

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

1787. By the SPEAKER (by request): Petition of members of the Religious Society of Friends, urging a conference of the leading nations to discuss and bring about disarmament; to the Committee on Foreign Affairs.

1788. Also (by request), petition of Rev. W. C. Fitzsimons and 29 others of the second congressional district of Connecticut and of M. J. Kearns and sundry citizens of the fourth congressional district of Connecticut, urging recognition of the Irish republic; to the Committee on Foreign Affairs.

1789. By Mr. CULLEN: Petition of American Automobile Association, protesting against any tariff on oil imported into this country; to the Committee on Ways and Means.

1790. By Mr. FAIRFIELD: Petition of J. A. Lauer, jr., and 569 others of the State of Indiana, urging the United States to recognize the Irish republic; to the Committee on Foreign Affairs.

1791. By Mr. KAHN: Resolution adopted by international Association of Machinists, of San Francisco, Calif., relative to Senate bill 1607; to the Committee on Labor.

1792. By Mr. KISSEL: Petition of Caradine Harvest Hat Co., of St. Louis, Mo., urging support of House bill 229; to the Committee on Ways and Means.

1793. Also, petition of American Sash & Door Co., of Kansas City, Mo., presenting a tax plan by the president of the company, F. J. Moss; to the Committee on Ways and Means.

1794. By Mr. LARSON of Minnesota: Resolution by the Duluth Masonic Library Association, an organization of more than 2,000 members, indorsing the program of legislation asked by the American Legion; to the Committee on Interstate and Foreign Commerce.

1795. By Mr. LEA of California: Petition from retailers in California, asking for relief from the present 10 per cent sales tax provided by section 628a of the revenue act of 1918 upon bottled carbonated beverages; to the Committee on Ways and Means.

1796. By Mr. MURPHY: Memorial of citizens of Bellaire, Ohio, praying for recognition of the republic of Ireland; to the Committee on Foreign Affairs.

1797. By Mr. OSBORNE: Memorial of Southern California Civil Service League, indorsing House bill 6045 and Senate bill 1376, providing that appointments of officers to enforce prohibition be made on the basis of merit and fitness through civil service regulations; to the Committee on Reform in the Civil Service.

1798. Also, petition of druggists and others of Los Angeles, Calif., and vicinity engaged in selling carbonated beverages, asking relief in the matter of taxation of carbonated beverages, whether compounded at soda fountains or placed in bottles; to the Committee on Ways and Means.

1799. By Mr. RAKER: Petition of Southern California Civil Service League, indorsing House bill 6045 and Senate bill 1376; to the Committee on the Judiciary.

1800. Also, petition of A. E. Wallace, of Bishop, Calif., urging no further increase in second-class mail rates; to the Committee on the Post Office and Post Roads.

1801. Also, petition of H. J. Jansen, of Lincoln; L. C. McIntosh, of Westwood; L. E. Wilson, of San Francisco; and G. W. Gash, of Dunsmuir, all in the State of California, indorsing House bill 7 and Senate bill 1252, known as the Towner-Sterling bill; to the Committee on Education.

1802. Also, petition of Dunsmuir Pyramid, No. 22, Ancient Egyptian Order of Sciots, of Dunsmuir; T. B. Sharp and H. S. Date, of Portoll, all in the State of California, indorsing House bill 7 and Senate bill 1252, known as the Towner-Sterling bill; to the Committee on Education.

1803. Also, petition of United Chambers of Commerce of the Sacramento Valley, Calif., urging that the California growers of Turkish tobacco should be given adequate tariff protection for their product; to the Committee on Ways and Means.

1804. Also, petition of executive committee American Legion, Department of California, relative to importation of German-made moving picture films; also petition of Mine Workers' Protective League, Grass Valley, Calif., urging passage of the McFadden gold bill; to the Committee on Ways and Means.

1805. Also, three petitions signed by retailers of carbonated beverages in the cities of Susanville, Jackson, Sutter Creek, Plymouth, and Truckee, all in the State of California, urging the elimination of the 10 per cent sales tax on manufacturers of carbonated beverages in closed containers; to the Committee on Ways and Means.

1806. Also, petition of Mrs. I. M. Nile, of Rough and Ready, Calif., urging Federal relief for the people of the Near East; to the Committee on Foreign Affairs.

1807. Also, petition of San Joaquin Grocery Co., of Fresno, Calif., opposing House bills 6215 and 6820; to the Committee on Interstate and Foreign Commerce.

1808. By Mr. WALSH: Petition of Joseph F. Mullen and 30 others, residents of New Bedford, praying for action by Congress to bring about the recognition of the existing duly elected government of the republic of Ireland by the Government of the United States; to the Committee on Foreign Affairs.

1809. By Mr. WATSON: Resolutions passed at a meeting of the Jenkintown Civic Club and the League of Women Voters of Cheltenham Township, Montgomery County, Pa., favoring disarmament; to the Committee on Foreign Affairs.

1810. Also, petition of rector and members of the Scottsville (Pa.) Methodist Episcopal Church, favoring the United States assisting the Armenians; to the Committee on Foreign Affairs.

SENATE.

FRIDAY, July 8, 1921.

The Chaplain, Rev. J. J. Muir, D. D., offered the following prayer:

Our Father, we bless Thy name for all the mercies vouchsafed to us, and we do ask Thee that Thy guidance and help may be had in every matter of business. Grant unto those who have sorrow Thy comfort and to those who have sickness the aid of Thine own helping hand, assuring to them always the sufficiency of Thy grace. We ask in Jesus Christ's name. Amen.

NAMING A PRESIDING OFFICER.

The Secretary (George A. Sanderson) read the following communication:

UNITED STATES SENATE.
PRESIDENT PRO TEMPORE,
Washington, D. C., July 8, 1921.

To the SENATE:

Being temporarily absent from the Senate, I appoint Hon. CHARLES CURTIS, a Senator from the State of Kansas, to perform the duties of the Chair this legislative day.

ALBERT B. CUMMINS,
President Pro Tempore.

Mr. CURTIS thereupon took the chair as Presiding Officer.

The Assistant Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. SMOOT and by unanimous consent, the further reading was dispensed with and the Journal was approved.

CALL OF THE ROLL.

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

The PRESIDING OFFICER. The Secretary will call the roll.

The Assistant Secretary called the roll, and the following Senators answered to their names:

Ashurst	Gerry	Moses	Simmons
Borah	Gooding	Myers	Smoot
Brandegee	Hale	Nelson	Spencer
Broussard	Harris	New	Sterling
Bursum	Harrison	Newberry	Sutherland
Calder	Heflin	Nicholson	Swanson
Cameron	Johnson	Norris	Trammell
Capper	Jones, N. Mex.	Oddie	Underwood
Caraway	Jones, Wash.	Overman	Wadsworth
Culberson	Kellogg	Pittman	Walsh, Mass.
Curtis	Kendrick	Poindexter	Walsh, Mont.
Dillingham	Kenyon	Pomerene	Watson, Ga.
Ernst	Knox	Ransdell	Watson, Ind.
Fernald	La Follette	Robinson	Weller
Fletcher	McCumber	Sheppard	Willis
Frelinghuysen	McNary	Shortridge	

Mr. STERLING. I wish to announce the unavoidable absence from the city of my colleague [Mr. NORBECK].

The PRESIDING OFFICER. Sixty-three Senators have answered to their names. There is a quorum present.

BERNARD M. BARUCH.

Mr. OVERMAN. Mr. President, one of the most able and efficient men in the service of the Government during the war was Bernard M. Baruch, as everyone will agree. He has received a good deal of criticism from certain sources. I have a letter from the disbursing officer of the Council of National Defense showing that Mr. Baruch spent out of his own pocket for employees \$15,000, as well as paying the rent of the offices out of his own pocket, and that he did not receive a cent for all his services, which were rendered to the Government without

pay. In justice to Mr. Baruch, I ask permission to have the letter inserted in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

COUNCIL OF NATIONAL DEFENSE,
Washington, June 20, 1921.

MY DEAR SENATOR: I have noticed the recent comment in the papers in reference to the connection of Mr. Bernard M. Baruch with the Council of National Defense and the War Industries Board. I do not know what your regard for Mr. Baruch is, but I am taking the liberty of giving you information which may perhaps be of interest to you and which, I feel, is due to him.

I served as chief clerk and disbursing officer of the Council of National Defense throughout the war and as disbursing officer of the War Industries Board for the major part of that time, and the information which I am giving you has come under my personal observation.

There has been considerable criticism of Mr. Baruch in reference to Government contracts for the purchase of copper. An investigation of the conditions under which the much-talked-of "fixing" of the price of copper was made will show that the basis upon which the price was fixed was the figures furnished by the Federal Trade Commission on the cost of production; also, that Mr. Baruch was not the chairman of the committee which fixed the price, and that the price as fixed was approved by the President of the United States, as shown by the inclosed newspaper release.

In reference to the expenditures in Europe, you will find that Mr. Baruch not only paid his own expenses but those of the man whom he carried with him on a war commission, which effected a saving of hundreds of thousands of dollars to this Government. I have seen a list of the payments made by Mr. Baruch in this connection, amounting to nearly \$100,000, for which he has never asked the Treasury to make any reimbursement.

When the work of the War Industries Board terminated Mr. Baruch learned that no provision had been made by Congress up to that time for paying the expenses of any of the war workers to their homes. He then gave his personal check for \$15,000, from which the railroad and Pullman fare of the employees dismissed by the War Industries Board was paid from Washington, D. C., to their homes. He also stationed a matron at the Union Station to see that the girls were actually placed on board trains with tickets to their homes.

When the Council of National Defense was first formed and Mr. Baruch was a member of the advisory commission, doing work for the council, he paid personally for the rent of the offices occupied by himself and his assistants in the Munsey Building; paid for the furnishing and equipment for these offices, and for the services of his secretary and office staff.

From the time the appropriation for the War Industries Board ceased to be available until the records were finally turned over to the Council of National Defense by Executive order, he personally paid the salaries of several employees necessary to finish the liquidation of the War Industries Board's accounts and to care for the records until they were finally turned over to the council.

He paid for all the stenographic, clerical, and other assistance necessary for the preparation of the final report of the War Industries Board, the only cost to the Government being that of printing at the Government Printing Office.

In conclusion, I can say that I know personally of upward of \$100,000 which Mr. Baruch has paid on account of expenses which would have been proper charges against the Government had he cared to ask for reimbursement.

Very truly, yours,

E. K. ELLSWORTH.

HON. L. S. OVERMAN,
United States Senate, Washington, D. C.

"[From the Committee on Public Information, September 20, 1917.
Released for morning newspapers of Friday, Sept. 21, 1917.]

"After investigation by the Federal Trade Commission as to the cost of producing copper, the President has approved an agreement made by the War Industries Board with the copper producers fixing a price of 23½ cents per pound f. o. b. New York, subject to revision after four months. Three important conditions were imposed by the board—first, that the producers would not reduce the wages now being paid; second, that the operators would sell to the Allies and to the public copper at the same price paid by the Government, and take the necessary measures, under the direction of the War Industries Board, for the distribution of the copper, to prevent it from

falling into the hands of speculators, who would increase the price to the public; and, third, that the operators pledge themselves to exert every effort necessary to keep up the production of copper to the maximum of the past so long as the war lasts.

"The War Industries Board felt that the maintenance of the largest production should be assured, and that a reduction in wages should be avoided. The stipulation that present wages shall not be reduced compels the maintenance of the highest wages ever paid in the industry, which, without such stipulation, would, with the reduction made in the price of copper, be reduced under the sliding scale so long in effect in the copper mines. Within this year copper has sold as high as 36 cents per pound, and the market price would now be higher than it is had it not been well known for some weeks that the Government would fix the price.

"The principal copper producers throughout the country have evinced an admirable spirit and for weeks have promptly supplied every request of the Government for copper, without awaiting decision as to price, and agreeing to accept the price which the board should ultimately fix. The proper departments of the Government will be asked to take over the mines and plants of any producers who fail to conform to the arrangement and price, if any such there should be."

PETITIONS.

The PRESIDING OFFICER (Mr. CURTIS) presented a resolution adopted by the pastor and congregation of the Methodist Episcopal Church of Alta Vista, Kans., at the Sunday morning service July 3, 1921, favoring the enactment of legislation to strengthen the so-called Volstead prohibition act, which was ordered to lie on the table.

Mr. LA FOLLETTE presented three petitions of sundry citizens of Eden, Campbellsport, Milwaukee, Fond du Lac, Forest, and Berlin, all in the State of Wisconsin, praying for the recognition of the republic of Ireland by the United States, which were referred to the Committee on Foreign Relations.

Mr. SPENCER. I present to the Senate certain petitions which are signed by citizens of Missouri praying for the recognition by the Government of the United States of the existing duly elected government of the republic of Ireland. I ask that these petitions be noted in the Record and referred to the Committee on Foreign Relations.

The petitions, 20 in number, all numerously signed by sundry citizens of St. Louis and Wellston, both in the State of Missouri, were referred to the Committee on Foreign Relations.

Mr. McCUMBER (for Mr. LADD) presented two petitions of sundry citizens of Glen Ullin, Elgin, and Almont, all in the State of North Dakota, praying for the recognition of the republic of Ireland by the United States, which were referred to the Committee on Foreign Relations.

REPORTS OF COMMITTEES.

Mr. SMOOT, from the Committee on Public Lands and Surveys, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

A bill (S. 71) for the consolidation of the offices of register and receiver in district land offices in certain cases, and for other purposes (Rept. No. 208);

A bill (S. 561) to grant citizens of Washington and Kane Counties, Utah, the right to cut timber in the State of Arizona for agricultural, mining, and other domestic purposes (Rept. No. 209);

A bill (H. R. 1945) for the relief of E. W. McComas (Rept. No. 210); and

A bill (H. R. 5621) for the disposal of certain lands in the town sites of Fort Madison and Bellevue, Iowa (Rept. No. 211).

Mr. CAPPER, from the Committee on Agriculture and Forestry, to which was referred the bill (H. R. 5676) taxing contracts for the sale of grain for future delivery, and options for such contracts, and providing for the regulation of boards of trade, and for other purposes, reported it with amendments and submitted a report (No. 212) thereon.

Mr. JONES of New Mexico, from the Committee on Public Lands and Surveys, to which was referred the bill (S. 1099) to amend section 2372 of the Revised Statutes, reported it with an amendment and submitted a report (No. 213) thereon.

Mr. WADSWORTH, from the Committee on Military Affairs, to which were referred the following bills, reported them each with an amendment and submitted reports thereon:

A bill (H. R. 2232) in reference to a national military park on the Plains of Chalmette, below the city of New Orleans (Rept. No. 214); and

A bill (H. R. 7158) to amend the Army appropriation act approved July 11, 1919, so as to release appropriations for the completion of the acquisition of real estate in certain cases, and making additional appropriations therefor (Rept. No. 215).

Mr. WADSWORTH, from the Committee on Military Affairs, to which was referred the joint resolution (H. J. Res. 138) to repeal so much of the act of Congress approved February 28, 1920, as provides for the sale of Camp Eustis, Va., reported it without amendment and submitted a report (No. 216) thereon.

HUMBOLDT NATIONAL FOREST.

Mr. PITTMAN. Mr. President, from the Committee on Public Lands and Surveys I report back favorably without amendment the bill (S. 237) to consolidate certain forest lands within the Humboldt National Forest, in the State of Nevada, and to add certain lands thereto, and for other purposes, and I submit a report (No. 207) thereon. It is a unanimous report of the committee. It is a local bill, similar to one passed yesterday, and is for the purpose of placing about 2,000 acres in the forest reserve in Nevada. The Secretary of the Interior has requested this legislation, and I ask for the present consideration of the bill.

The PRESIDING OFFICER. The bill will be read for the information of the Senate, when the request will be presented.

The Assistant Secretary read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior is hereby authorized and directed to accept from Sylvain Siard warranty deeds, satisfactory to the Secretary, conveying to the Government of the United States, free of all encumbrance, title to the following described lands, or any part thereof, upon certification by the Secretary of Agriculture that the said lands are chiefly valuable for national forest purposes: The southeast quarter of the northeast quarter of section 1, the southeast quarter of the southwest quarter and the northeast quarter of the southeast quarter of section 10, the northwest quarter of the southwest quarter of section 11, the southwest quarter of the southeast quarter of section 13, the southwest quarter of the northeast quarter of section 20, the northeast quarter of the northeast quarter and the west half of the northeast quarter of section 21, all of township 44 north, range 39 east, Mount Diablo meridian; the southwest quarter of the southwest quarter of section 3, the south half of the northeast quarter and the northeast quarter of the southeast quarter of section 4, the southeast quarter of the northeast quarter of section 5, the west half of the southeast quarter and the east half of the southwest quarter of section 7, the northeast quarter of the southwest quarter and the south half of the southwest quarter of section 10, the east half of the northwest quarter and the northwest quarter of the northwest quarter of section 15, the northwest quarter of the northeast quarter, the east half of the northwest quarter, and the southeast quarter of the southwest quarter of section 18, the south half of the southwest quarter and the north half of the southeast quarter of section 19, and the south half of the northwest quarter and the northwest quarter of the southwest quarter of section 20, all of township 44 north, range 40 east, Mount Diablo meridian; the north half of the southwest quarter of section 13, township 45 north, range 40 east, Mount Diablo meridian; the northwest quarter of the northeast quarter and the northeast quarter of the northwest quarter of section 19, township 45 north, range 41 east, Mount Diablo meridian; and the northwest quarter of the southwest quarter of section 8, the northeast quarter of the northeast quarter of section 29, the northeast quarter of the southwest quarter of section 30, and the northeast quarter of the northwest quarter of section 31, all of township 46 north, range 41 east, Mount Diablo meridian; in all, 1,716.74 acres, more or less.

SEC. 2. That upon the conveyance in accordance with section 1 of this act the Secretary of the Interior is hereby authorized and directed to issue to the said Sylvain Siard, in exchange therefor, patents to the following-described lands, or to such parts thereof as may be found to be approximately equal in value to the lands so conveyed at the time of such conveyance: The east half of the southwest quarter and the southeast quarter of the northeast quarter of section 31, the west half of the southwest quarter and the southwest quarter of the northwest quarter of section 32, all of township 45 north, range 40 east, Mount Diablo meridian; the southeast quarter of the southwest quarter of section 19, the northeast quarter of the southwest quarter of section 20, and the southeast quarter of the northwest quarter of section 31, all of township 29 north, range 38 east, Mount Diablo meridian; the southeast quarter of the northeast quarter, the northeast quarter of the southwest quarter, and the north half of the southeast quarter of section 1, the northeast quarter of the northeast quarter of section 2, the northeast quarter of the northeast quarter of section 3, the southwest quarter of the northeast quarter, and the south half of the southwest quarter of section 12, and the northeast quarter of the northwest quarter and the southwest quarter of the southwest quarter of section 13, all of township 29 north, range 39 east, Mount Diablo meridian; the northeast quarter of the northwest quarter of section 6, the northwest quarter of the northeast quarter and the southwest quarter of the southeast quarter of section 7, the southwest quarter of the northeast quarter, the northeast quarter of the southwest quarter, and the southeast quarter of the southeast quarter of section 18, the northwest quarter of the northwest quarter, and the southwest quarter of the southwest quarter of section 19, and the northwest quarter of the northwest quarter of section 29, all of township 29 north, range 40 east, Mount Diablo meridian; the northwest quarter of the southeast quarter of section 34, township 30 north, range 39 east, Mount Diablo meridian; and the southeast quarter of the southwest quarter of section 8, the northeast quarter of the southeast quarter of section 17, the northwest quarter of the southwest quarter of section 20, the southeast quarter of the northwest quarter of section 29, the southeast quarter of the northeast quarter and the southeast quarter of section 30, the northeast quarter of the southeast quarter of section 31, and the northeast quarter of the northwest quarter, the northeast quarter of the southwest quarter, and the southwest quarter of the southwest quarter of section 32, all of township 30 north, range 40 east, Mount Diablo meridian; in all, 1,696.76 acres, more or less.

SEC. 3. That the lands conveyed to the Government hereunder shall thereupon become part of the Humboldt National Forest and shall be subject to all laws and regulations applicable thereto.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

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

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS AND JOINT RESOLUTION INTRODUCED.

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

By Mr. CURTIS:

A bill (S. 2222) granting a pension to Sureno Doll (with an accompanying paper);

A bill (S. 2223) granting a pension to William Bruce (with an accompanying paper); and

A bill (S. 2224) granting a pension to Ada N. Gahm (with an accompanying paper); to the Committee on Pensions.

By Mr. KENDRICK:

A bill (S. 2225) granting a pension to Harry E. Thompson; to the Committee on Pensions.

By Mr. CAMERON:

A bill (S. 2226) to extend the time for cutting timber in the Coconino and Tusayan National Forests, Arizona; to the Committee on Agriculture and Forestry.

By Mr. HALE:

A bill (S. 2227) granting an increase of pension to Isaiah G. Mayo (with accompanying papers); to the Committee on Pensions.

By Mr. DILLINGHAM:

A joint resolution (S. J. Res. 82) providing for immigration to relieve the emergency caused by an acute shortage of labor in the Territory of Hawaii; to the Committee on Immigration.

REVENUE WORK, PELICAN BEND, MISSOURI RIVER.

Mr. CURTIS submitted the following resolution (S. Res. 106), which was referred to the Committee on Military Affairs:

Resolved, That the Secretary of War be, and is hereby, requested, if not incompatible with public interest, to have an examination made and report to the Senate, as soon as possible, the amount and cause of loss, if any, to the contractors on the following contracts:

Revetment work, Pelican Bend, Missouri River, contract dated June 12, 1918.

A QUORUM OF THE SENATE—AMENDMENT OF THE RULES.

Mr. WALSH of Montana. I offer a resolution which I ask to have read and referred to the Committee on Rules.

The resolution (S. Res. 108) was read and referred to the Committee on Rules, as follows:

Resolved, That section 2 of Rule III of the Standing Rules of the Senate, reading, "A quorum shall consist of a majority of the Senators duly chosen and sworn," be, and the same is hereby, amended so as to read: "A quorum shall consist of a majority of the Senators to which the States of the Union may be entitled."

CHANGE OF NAME OF GRAND RIVER IN COLORADO.

Mr. NICHOLSON. Mr. President, I ask unanimous consent for the present consideration of the joint resolution (H. J. Res. 32) to change the name of the Grand River in Colorado and Utah to the Colorado River.

The PRESIDING OFFICER (Mr. CURTIS in the chair). Is there objection to the present consideration of the joint resolution?

Mr. FLETCHER. Mr. President, as I recall, when the joint resolution was reached on the calendar the other day the junior Senator from Utah [Mr. KING] expressed a desire to be heard upon it. I do not know whether he has changed his mind about it or not.

Mr. NICHOLSON. The junior Senator from Utah has withdrawn all objection to the passage of the joint resolution.

Mr. SMOOT. The only objection I heard to the joint resolution—and I am not offering it at this time as an objection—was whether Congress has the power to change the name of a river running through more than one State. I am not going to raise the question, but it has been raised, though I forget which Senator raised it. I have no objection to the passage of the joint resolution.

Mr. McCUMBER. Mr. President, I rose to ask the Senator in charge of the joint resolution practically the same question, and as to the effect of it. I did not know that Congress has any power over the matter of naming rivers any more than it has power over the naming of individuals or changing their names. Suppose the people of the State continue, notwithstanding this congressional act, to call this the Grand River, what is the effect going to be? There is nothing compulsory about it. The only point which strikes me is that we are en-

tering a field over which it seems to me that Congress has no jurisdiction. It is simply an advice to the people of the country to call the river the Colorado instead of the Grand.

Mr. NICHOLSON. Mr. President, I wish to state for the information of the Senator from North Dakota that the Legislature of Colorado unanimously adopted a resolution asking for the change of the name of the river from the Grand to the Colorado, and that resolution was signed by the governor of the State. It is called the Colorado River as it flows through Arizona and California. The Grand Canon of the Colorado is named after the Colorado River. Colorado as a State was named after the Colorado River. Sixty per cent of the water that flows in the Colorado River has its source in Colorado.

The gentleman who has had the matter in charge at the other end of the Capitol, Mr. TAYLOR of Colorado, a Democrat, I fear is seriously ill, and I should like to see the joint resolution enacted into law at this time as a compliment to him. He has been working and laboring for the passage of the joint resolution for over 15 years. It has received the sanction of the Colorado Legislature and of the governor, and likewise of the Utah Legislature.

There is no objection to the passage of the joint resolution, as I understand. The gentlemen to whom I have referred have stated that it is not an unusual thing for Congress to allow the States that are interested to change the names of rivers, and that if a State comes and petitions Congress for the right to change the name of a river it is within the province of Congress to grant the authority.

This joint resolution has been unanimously passed by the other House. For the reasons indicated I should like to have unanimous consent of the Senate for the consideration and passage of the measure this morning.

Mr. ROBINSON. Mr. President, measures similar to the pending joint resolution have been considered in the body at the other end of the Capitol repeatedly during the last 10 years. They have been favorably reported many times; in fact, whenever the question has been acted upon by the committee having jurisdiction of the subject it has received a favorable report. The committee of the body at the other end of the Capitol went into the question as to the propriety of Congress taking action in the matter. While, of course, Congress can not compel anyone to call a river by any particular name, yet in view of the fact that the river runs through several States, and the further fact that the States have memorialized Congress through their legislatures, as the State of Colorado has done in the instance mentioned by the Senator from Colorado [Mr. NICHOLSON], the committee of the House of Representatives and the House itself have decided that such legislation is appropriate.

Mr. KNOX. Mr. President, I do not have any doubt about the jurisdiction or the power of Congress to change the name of the river mentioned in the joint resolution. That river is not only an interstate river but is an international river. It is a river whose name figures in our treaties with Mexico; it is a river whose waters have to be diverted for the irrigation of lands in California after it passes through Mexico; and in our geographic surveys and in many other matters in which the National Government is interested it is necessary for us to refer to the river by name. The integrity of the Colorado River should be preserved by giving it a common name throughout its entire length. I think the joint resolution ought to pass.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution (H. J. Res. 32) to change the name of the Grand River in Colorado and Utah to the Colorado River, and it was read as follows:

Resolved, etc., That from and after the passage of this act the river heretofore known as the Grand River, from its source in the Rocky Mountain National Park in Colorado to the point where it joins the Green River in the State of Utah and forms the Colorado River, shall be known and designated on the public records as the Colorado River.

Sec. 2. That the change in the name of said river shall in nowise affect the rights of the State of Colorado, the State of Utah, or of any county, municipality, corporation, association, or person; and all records, surveys, maps, and public documents of the United States in which said river is mentioned or referred to under the name of the Grand River shall be held to refer to the said river under and by the name of the Colorado River.

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

NEEDY CONDITION OF EX-SERVICE MEN.

Mr. WATSON of Georgia. Mr. President, I ask unanimous consent of the Senate to occupy a very few minutes while I read a letter which has been referred to me by the Vice President of the United States and which I find on my desk this morning.

Yesterday a great deal was said about whether or not there was urgent need among the soldiers who served in the Great War. "The short and simple annals of the poor," Mr. Presi-

dent, ought to have some hearing in this body, for nearly every man who occupies a seat on this floor was himself once a poor man and worked himself up and is proud of the fact that he did work himself up.

The writer of the letter is also referred to me by the governor of Georgia, Hon. Thomas W. Hardwick, who a few years ago occupied a seat in the Senate. He and I addressed a great meeting in Georgia on July 4 last. Here is the letter which the governor of Georgia and which the Vice President of the United States referred to me. Let me read it to you:

THOMAS E. WATSON.

COLQUITT, GA., July 5, 1921.

DEAR SIR: We will appeal to you again for help—

I will say parenthetically that this is the first time I have heard from those who wrote the letter—

We are on starvation and we need help—

That is, the wife and children of the soldier in the Army "are on starvation"—

Can you send us any kind of a paper that we can get fixed up to help get him out? If they are, will you please send it to me and tell me how to fix it up? If they isn't any paper to fix, we will have to have some money from the Government. We haven't got anything to eat and not anything to wear.

Answer real soon—

To Mrs. ANNIE L. and MATTIE E. GRIFFIN,
Colquitt, Ga., R. F. D. 5, Box 14.

At some other time during the present day or on some other day during the debate, I intend to answer the Senator from Montana [Mr. MYERS] as to the suffering of our former soldiers and as to whether or not they are as much entitled to relief as are the railroads, to whom we are going to give \$500,000,000, or the European nations, to whom we are going to give \$10,000,000,000, or the junketing trip, to which we the other day gave \$5,000 without a word of complaint.

Mr. MYERS. Mr. President, I shall be glad at any time to get the views of the Senator from Georgia on the subject upon which he has announced he will speak, but, so far as sympathy with the soldiers who are in need of sympathy is concerned, he can have no more sympathy with them than have I. Mr. WATSON of Georgia. The Senator's sympathy does not feed them; they want something to eat.

Mr. MYERS. I am willing to help all soldiers who are suffering and in need of the necessities of life; but the Senator from Georgia does not seem to be able to distinguish between helping them and voting a cash bonus to all former soldiers who are well and strong and not in need.

Mr. WATSON of Georgia. The Senator from Georgia thinks he can draw any kind of a mental distinction which the Senator from Montana can draw, and draw it right now, if the Senator from Montana wants it drawn.

Mr. MYERS. I should be very glad to hear the Senator from Georgia demonstrate that; I have never heard him demonstrate it as yet.

Mr. WATSON of Georgia. That is the Senator's opinion.

AMENDMENT OF THE NATIONAL PROHIBITION ACT.

Mr. STERLING. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of House bill 7294.

The PRESIDING OFFICER. Is there objection?

Mr. MOSES. What is the bill, may I ask the Senator?

Mr. STERLING. It is a bill entitled "An act supplemental to the national prohibition act."

Mr. MOSES. The Senator from Massachusetts [Mr. LODGE], who is unavoidably absent from the Senate to-day, is very much interested in that measure, and I am sure he desires to be present when it is under consideration. Therefore, I feel constrained to object.

The PRESIDING OFFICER. Objection is made.

Mr. STERLING. Mr. President this is an important measure, and I think the Senator from Massachusetts has been apprised of the fact that it would be brought up for consideration at the earliest possible date. I, therefore, move that the Senate proceed to the consideration of the bill.

Mr. SMOOT. Mr. President, under the rules the motion is not now in order.

The PRESIDING OFFICER. The motion of the Senator from South Dakota is not in order. The Chair rules it will not be in order until the morning business is closed or until the hour of 1 o'clock.

Mr. STERLING. Very well.

TREATMENT OF EX-SERVICE MEN.

Mr. ASHURST. Mr. President, as a part of the morning business I wish, while the colloquy between the Senator from Georgia [Mr. WATSON] and the Senator from Montana [Mr. MYERS] is fresh in our minds, to inquire of the Senator from West Virginia [Mr. SUTHERLAND] or the Senator from Massachusetts [Mr. WALSH] when, if at all, will the subcommittee

appointed to investigate the subject of the hospitalization of soldiers proceed to the various hospitals throughout the country? If they have such power, I should like to be advised as to the fact. Does the Senate resolution constituting the committee authorize them to visit various hospitals?

The reason why I make this inquiry, Mr. President, is that, as will be remembered, I put in the *Record* a few days since an editorial from the Prescott (Ariz.) Courier. Some reflection or criticism had been made of Hospital No. 50, at Prescott, and the Prescott Courier, a metropolitan journal of repute, invited the committee to proceed to Prescott, and there see if any of the 1,200 soldiers who were receiving hospitalization there were really mistreated. I feel the committee should go there. I feel the committee owes it to the soldier and owes it to the country and to itself not only to go to the various hospitals near Washington but to the hospitals located throughout the country. I wish to inquire of either of the Senators to whom I have referred what they expect to do or are doing in that regard?

Mr. SUTHERLAND. Mr. President, in reply to the inquiry of the Senator from Arizona I will say that the committee charged with the investigation of the hospitals and other activities relating to our wounded and disabled soldiers is arranging to secure the services of some experts who will visit certain hospitals which have been under charges of mismanagement. The committee itself will visit some of the hospitals; but we are endeavoring to secure the voluntary assistance of men of the very highest character who are familiar with hospital work, men recommended by the American Medical Association, the American Association of Mental Hygiene, and the American Tuberculosis Association. It is desired to secure the services of men whose word and whose conclusions as to conditions will carry weight throughout the country. We are proceeding to do that, and we will utilize their services in addition to visiting such hospitals as the committee can visit itself.

Mr. ASHURST. I thank the Senator.

FEDERAL TRADE COMMISSION.

Mr. NORRIS. Mr. President, on the 15th of June, when the so-called packer bill was up before the Senate for consideration, there was placed in the *Record* a letter from Mr. W. T. Nardin, making various charges against the Federal Trade Commission. The letter was printed in the *Record* on that date, on page 2584. I have here a copy of a letter written by the chairman of the Federal Trade Commission in answer to that letter; and since one letter has been inserted in the *Record*, I respectfully submit that we ought to print the answer.

I therefore ask unanimous consent that the letter of the chairman of the commission, directed to the Senator from Maine [Mr. FERNALD], in answer to the letter of Mr. W. T. Nardin, be inserted in the *Record*.

The PRESIDING OFFICER (Mr. WATSON of Indiana in the chair). The Senator from Nebraska asks unanimous consent to insert in the *Record* the letter referred to by him. Without objection, that order will be made.

The letter is as follows:

JUNE 22, 1921.

HON. BERT M. FERNALD,

United States Senate, Washington, D. C.

MY DEAR SENATOR: My attention has been called to a letter read by you into the CONGRESSIONAL RECORD on June 15, and found at page 2584, which was addressed to you by Mr. W. T. Nardin.

Believing that you would not do the commission an injustice, and feeling confident that you have been misled by matters set forth in that letter, which were not only erroneous but false and injurious to the commission, I beg leave to ask you to read into the *Record* this letter, which states the facts as they appear in the files of the Federal Trade Commission.

The letter of Mr. Nardin, in substance, charges the commission with being extremely dilatory in trying the case referred to; in being a prosecuting body instead of an investigating body; that no lawyer of the commission ever contended that there was any legal point involved; and that we were only going through with this case because we had filed a complaint and felt that we must justify our former action.

Mr. Nardin is the president or vice president of the Helvetia Milk Condensing Co., and is now and at all times has been representing the company as its attorney in the case to which he referred, and which is pending before the Federal Trade Commission.

In 1916, in complete cooperation with the National Canners' Association, the Federal Trade Commission sent letters to the canners asking their attitude on the policy of guaranteeing their

products against decline in prices. As a result of these letters, and in cooperation with the National Canners' Association, a conference was held with the commission and representatives of the canned-milk manufacturers on March 30, 1916. The manufacturers present represented 98 per cent of the pack. Mr. W. T. Nardin's company represented 15 per cent of the total industry. All of those speaking at the conference protested against the practice then prevailing in the industry of guaranteeing prices against decline, with the single exception of Mr. Nardin.

Mr. Roland S. Morris, who represented at the conference the Borden Condensed Milk Co., a very large producer of canned milk, said in substance that the practice was indefensible; that it was an unfair method of competition; and that it had a tendency toward monopoly. All of the manufacturers present, with the exception of the Helvetia Co., represented by Mr. Nardin, agreed with the contention of Mr. Morris; and several days after the conclusion of the conference the commission received letters from all of the manufacturers represented, except the Helvetia Co., stating that they thought that the proper course was to have the practice abolished after the issuance of a complaint by the commission and the taking of testimony, if upon consideration of the testimony the commission concluded that the practice was unfair. These letters indicated very distinctly that the manufacturers felt that they themselves could not by unanimous consent abolish the practice, in view of the fact that the Helvetia Co., a large factor in the trade, seemed to indicate at the conference that it would continue to guarantee its prices against declines.

After making a very complete and thorough investigation the commission issued a complaint against the Helvetia Co., returnable January 31, 1919. In March, 1919, a large number of competing manufacturers filed with the commission a joint petition asking the commission to allow them to intervene in the proceeding against the Helvetia Co. The commission made the petitioners intervening respondents, and the taking of testimony was commenced on November 10, 1919.

It should be here noted that at the hearings Mr. Nardin, as attorney of record for the Helvetia Co., cross-examined the commission's witnesses and the witnesses for the intervening respondents, and as vice president of the Helvetia Co. was himself a witness for the company and against the commission.

Mr. Nardin complains regarding the length of time that the case has been before the commission. The record shows that, except upon one occasion, all the delays have been due to requests for time on the part of the intervenors, and that at no time did Mr. Nardin object to continuance being granted.

The statement is made by Mr. Nardin, "No lawyers for the commission nor for any respondent have ever contended that there was any legal point involved." This statement is absolutely false. There would never have been any complaint issued by the commission had it not thought that there was a legal question involved.

As to whether the commission has been, as charged by Mr. Nardin, a prosecuting agency, the fact that all but one of the companies engaged in condensing milk are opposed to the position taken by Mr. Nardin's client, the Helvetia Co., is sufficient answer.

Finally, Mr. Nardin says:

It seems to me that any unbiased person, with any conception of the problems of business, must concede that it is intolerable to have business under the attempted supervision of a body which proceeds in the spirit of prosecution rather than in the spirit of investigation, which observes no legal rules or legal limitations, which recognizes none of the limitations of rules of evidence, and which once having filed a complaint feels that it must justify its former action by finding that wrong has been done.

The answer to this is that since the commission's complaint was issued, the practice therein complained of has been discontinued by the respondent, and instead of such a practice it has made a guaranty, limited in time and quantity, similar to that used by the intervening respondents, who represent 83 per cent of the industry.

Cordially, yours,

HUSTON THOMPSON, Chairman.

CONDITIONS IN MEXICO.

Mr. LA FOLLETTE. Mr. President, I desire to modify Senate resolution No. 105, which I introduced on the 6th instant. I prefer to do that by withdrawing the resolution, and offering as a substitute another resolution which I will ask to have printed in the *Record*, and printed in the usual form, and let it lie upon the table; and I give notice now that I shall call it up on Monday morning if the business of the Senate will permit.

The PRESIDING OFFICER. The Senator from Wisconsin asks leave to withdraw Senate resolution 105. Is there objection? The Chair hears none.

Mr. KNOX. I ask that the resolution now submitted may be read.

The PRESIDING OFFICER. The Senator from Wisconsin offers the following resolution, which the Secretary will read.

The Assistant Secretary read the resolution (S. Res. 107) as follows:

Whereas it is widely announced in the press that warships have been ordered by the Government of the United States to Tampico, Mexico, to protect the lives and property of Americans in the event of disturbances resulting from unemployment in the oil industry in Mexico; and

Whereas it is alleged that the internal situation in Mexico is growing more critical and that there is imminent danger of an outbreak general in its character; and

Whereas it is definitely stated in the press dispatches upon the authority of the Secretary of the Navy that the commanders of the American war vessels have full authority to use their own discretion as to what action they shall take, which would authorize the landing of troops on Mexican soil, the use of armed force at the will of the officer in command, and in the critical situation alleged to exist might easily involve this Government in serious international complications: Now, therefore, be it

Resolved, That the President of the United States be requested, if not incompatible with the public interest, to transmit immediately to the Senate all documents and other information relating to the present situation in Mexico, and particularly the orders which have been issued to officers of the United States Army or Navy with reference to the situation in Mexico.

Resolved further, That it is the sense of the Senate that no troops should be landed upon Mexican soil nor should any other action be taken which might be construed as an act of war without the express authority of the Congress of the United States as provided in the Constitution.

Mr. KNOX. Mr. President, may I inquire of the Senator from Wisconsin wherein this resolution differs from the one for which it is offered as a substitute?

Mr. LA FOLLETTE. It differs in respect to the preamble of the resolution.

Mr. KNOX. Only in that respect?

Mr. LA FOLLETTE. Only in respect to the preamble of the resolution.

The PRESIDING OFFICER. The resolution will be printed and lie on the table.

Mr. McCUMBER. Mr. President, is morning business closed?

The PRESIDING OFFICER. Is there further morning business? The Chair hears none, and the morning business is closed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. Overhue, its enrolling clerk, announced that the House had receded from its disagreement to the amendments of the Senate numbered 19, 20, 22, and 72 to the bill (H. R. 4803) making appropriations for the naval service for the fiscal year ending June 30, 1922, and for other purposes, and concurred therein; that the House receded from its disagreement to the amendment of the Senate numbered 57, and concurred therein with an amendment; that the House insisted upon its amendment to the amendment of the Senate numbered 107; that the House further insisted upon its disagreement to the amendments of the Senate numbered 16, 18, 45, 46, 51, 54, 55, 71, 95, 96, 97, 108, and 112; that the House agreed to the further conference requested by the Senate on the disagreeing votes of the two Houses thereon; and that Mr. KELLEY of Michigan, Mr. FRENCH, Mr. WOOD of Indiana, Mr. BYRNES of South Carolina, and Mr. OLIVER were appointed managers of the conference on the part of the House.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 5756) to amend an act entitled "An act to declare the purpose of the people of the United States as to the future political status of the Philippine Islands, and to provide a more autonomous government for these Islands," approved August 29, 1916; had agreed to the conference requested by the Senate, and that Mr. TOWNER, Mr. GLYNN, and Mr. GARRETT of Tennessee were appointed managers of the conference on the part of the House.

The message further announced that the House had agreed to the amendment of the Senate to the bill (H. R. 2421) granting certain public lands to the city of Phoenix, Ariz., for municipal purposes.

The message also announced that the House had agreed to the amendments of the Senate to the bill (H. R. 4976) granting the consent of Congress to the Trumbull Steel Co., its successors and assigns, to construct, maintain, and operate a dam across the Mahoning River, in the State of Ohio.

The message further announced that the House had agreed to the amendments of the Senate to the bill (H. R. 6814) to authorize the construction of a dam across the Wabash River at Huntington, Ind.

AMENDMENT OF NATIONAL PROHIBITION ACT.

Mr. STERLING. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from South Dakota will state it.

Mr. STERLING. Is it now proper, notwithstanding what I understood to be the ruling of the last occupant of the Chair, to move that the Senate proceed to the consideration of a bill, the morning business having been declared closed?

The PRESIDING OFFICER. The Chair understands the last occupant of the chair to have ruled that the motion of the Senator from South Dakota was not in order during morning business. Morning business having been closed, the motion of the Senator is in order.

Mr. STERLING. The Senator from South Dakota understood that the morning business had closed, and that was the reason why he made the motion; but the Senator from South Dakota also understood the last occupant of the chair to hold that the motion could not be made until after 1 o'clock. I thought that could not be the case.

The PRESIDING OFFICER. It is in the alternative, until the morning business shall have closed or until the hour of 1 o'clock shall have arrived.

Mr. STERLING. Then, Mr. President, I move that the Senate proceed to the consideration of H. R. 7294, being a bill supplemental to the national prohibition act.

Mr. MOSES. Mr. President—

The PRESIDING OFFICER. The Senator from South Dakota moves that the Senate proceed to the consideration of H. R. 7294, a bill supplemental to the national prohibition act.

Mr. MOSES. Mr. President, I ask the Senator from South Dakota not to make that motion, particularly on the grounds upon which I based my objection to the unanimous consent which he asked a few moments ago. The Senator from Massachusetts [Mr. LODGE], as I then stated, is very much interested in this measure. I think he contemplates offering an amendment to it. He certainly desires to be present when the measure is considered in the Senate. He is unavoidably absent from the Senate to-day. In a conversation which I had with him last evening, before he left the city, this matter came up, and it was because of the representations which he made to me that I offered the objection that I did a few minutes ago; and it is because of those representations that I now appeal to the Senator from South Dakota not to press the motion to-day.

In addition to the Senator from Massachusetts, the Senator from New Jersey [Mr. EDGE] wishes to speak on this bill, and he is not present. My understanding is that there are many other Senators who wish to discuss the measure—Senators on the other side of the aisle—who are also absent from the Chamber.

While I recognize, as the Senator from South Dakota has said, that this is an important measure, I do not think the country is going to suffer unduly if we delay a few days before restricting reputable physicians in the exercise of their profession.

The PRESIDING OFFICER. The motion of the Senator from South Dakota is not debatable.

Mr. MOSES. I was not debating it. I was asking the Senator to withdraw it.

The PRESIDING OFFICER. The Chair understood that the Senator from New Hampshire was asking a question of the Senator from South Dakota.

Mr. BROUSSARD. Mr. President, I join the Senator from New Hampshire in requesting the Senator from South Dakota not to insist upon the consideration of this bill at this time. I know of several Senators on this side of the Chamber who expect to speak on the bill who would like to be present when it is brought up. I can see no reason for the immediate consideration of the bill. It is merely to meet the opinion of the Attorney General, rendered on the 3d of March last. The regulations to carry out that opinion have been withheld by the department ever since. There is no danger that any physician will prescribe any beer or any other intoxicant, as prohibited in this bill, for the reason that the Commissioner of Internal Revenue and the enforcement department have refused to issue permits, and therefore I think we could well afford to wait until such time as everybody may be heard. For that reason I ask the Senator not to press his motion.

Mr. STERLING. Mr. President—

The PRESIDING OFFICER. The Chair proceeds on the theory that this debate is being conducted by unanimous consent.

Mr. STERLING. Mr. President, I understand that it is upon the question as to whether or not I should withdraw my motion, not upon the merits of the motion.

The PRESIDING OFFICER. The Chair understood that the debate was proceeding on the merits of the proposition.

Mr. STERLING. I do not like to discommode Senators who wish to be heard upon this bill, and I appreciate what has been said by the Senator from New Hampshire [Mr. MOSES] and the Senator from Louisiana [Mr. BROUSSARD] about the absence of Senators who would like to participate in the discussion—

Mr. WALSH of Montana. Mr. President, I make a point of order against further discussion of this matter. The motion is not debatable. I hope we will take a vote on it and proceed to the consideration of the bill.

The PRESIDING OFFICER. The point of order is sustained.

Mr. BROUSSARD. Mr. President, I make the point of no quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

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

Ashurst	Gerry	McNary	Smoot
Borah	Gooding	Moses	Spencer
Brandegee	Hale	Myers	Sterling
Broussard	Harreld	Nelson	Sutherland
Bursum	Harris	New	Trammell
Calder	Harrison	Newberry	Underwood
Cameron	Heflin	Nicholson	Wadsworth
Capper	Johnson	Norris	Walsh, Mass.
Caraway	Jones, N. Mex.	Oddie	Walsh, Mont.
Culberson	Jones, Wash.	Overman	Watson, Ga.
Curtis	Kellogg	Poinexter	Watson, Ind.
Dillingham	Kendrick	Pomerene	Weller
Elkins	Kenyon	Ransdell	Williams
Ernst	King	Robinson	Willis
Fernald	Knox	Sheppard	
Fletcher	La Follette	Shortridge	
Frelinghuysen	McCumber	Simmons	

The PRESIDING OFFICER. Sixty-five Senators have responded to their names. A quorum is present. The question is on the motion of the Senator from South Dakota [Mr. STERLING], that the Senate proceed to the consideration of H. R. 7294, a bill supplemental to the national prohibition act.

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

The yeas and nays were ordered, and the Assistant Secretary proceeded to call the roll.

Mr. CARAWAY (when his name was called). I have a general pair with the junior Senator from Illinois [Mr. MCKINLEY]. I transfer that pair to the senior Senator from Nebraska [Mr. HITCHCOCK] and vote "yea."

Mr. HALE (when his name was called). I transfer my pair with the senior Senator from Tennessee [Mr. SHIELDS] to the senior Senator from Michigan [Mr. TOWNSEND] and vote "yea."

Mr. MYERS (when his name was called). I have a pair with the junior Senator from Connecticut [Mr. McLEAN], who is absent. I am unable to obtain a transfer of that pair, and am compelled on that account to withhold my vote. If permitted to vote, I would vote "yea."

Mr. OVERMAN (when his name was called). I have a general pair with the senior Senator from Wyoming [Mr. WARREN]. Not being able to obtain a transfer, I can not vote. If I were permitted to vote, I would vote "yea."

Mr. STERLING (when his name was called). I have a general pair with the senior Senator from South Carolina [Mr. SMITH]. I transfer that pair to my colleague [Mr. NORBECK], who is unavoidably absent, and vote "yea."

Mr. TRAMMELL (when his name was called). I have a general pair with the senior Senator from Rhode Island [Mr. COLT]. I transfer that pair to the senior Senator from Missouri [Mr. REED] and vote "yea."

Mr. UNDERWOOD (when his name was called). I have a general pair with the senior Senator from Massachusetts [Mr. LODGE]. He is unavoidably absent, and I withhold my vote.

Mr. WALSH of Montana (when his name was called). I inquire if the senior Senator from New Jersey [Mr. FRELINGHUYSEN] has voted?

The PRESIDING OFFICER. He has not voted.

Mr. WALSH of Montana. I have a general pair with that Senator, and in his absence I transfer my pair to the senior Senator from Nevada [Mr. PITTMAN] and vote "yea."

Mr. WILLIS (when his name was called). I have a pair with the junior Senator from Tennessee [Mr. McKELLAR]. I transfer that pair to the senior Senator from Iowa [Mr. CUMMINS] and vote "yea."

Mr. McCUMBER. I wish to announce the absence of my colleague [Mr. LADD] on account of sickness. I ask that this announcement may stand for the day.

Mr. MOSES. I wish to announce the absence of my colleague [Mr. KEYES], who is detained from the Senate by illness. I ask that this announcement may stand for the day.

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

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

The Senator from Colorado [Mr. PHIPPS] with the Senator from South Carolina [Mr. DIAL]; and

The Senator from Pennsylvania [Mr. PENROSE] with the Senator from Mississippi [Mr. WILLIAMS].

Mr. DILLINGHAM (after having voted in the affirmative). I have already voted, but I observe that the junior Senator from Virginia [Mr. GLASS], with whom I have a general pair, has not voted. I do not know how he would vote on this question. I therefore transfer my pair with him to my colleague [Mr. PAGE] and allow my vote to stand.

Mr. FLETCHER (after having voted in the affirmative). I have a general pair with the Senator from Delaware [Mr. BALL], who is absent, I am informed, and I do not know how he would vote on this motion. I therefore withdraw my vote.

Mr. KENDRICK (after having voted in the affirmative). I am reminded that I have a general pair with the Senator from Illinois [Mr. McCOMICK], and as I am unable to secure a transfer I find it necessary to withdraw my vote.

Mr. ERNST (after having voted in the affirmative). I have a general pair with my colleague [Mr. STANLEY], which I transfer to the junior Senator from Oregon [Mr. STANFIELD] and allow my vote to stand.

The result was announced—yeas 43, nays 16, as follows:

YEAS—43.

Ashurst	Gooding	McNary	Simmons
Borah	Hale	Nelson	Smoot
Bursum	Harreld	New	Spencer
Capper	Harris	Newberry	Sterling
Caraway	Harrison	Nicholson	Sutherland
Culberson	Heflin	Norris	Swanson
Curtis	Jones, N. Mex.	Oddie	Trammell
Dillingham	Jones, Wash.	Poinexter	Walsh, Mont.
Elkins	Kellogg	Ransdell	Watson, Ind.
Ernst	Kenyon	Robinson	Willis
Fernald	McCumber	Sheppard	

NAYS—16.

Brandegee	Gerry	La Follette	Wadsworth
Broussard	Johnson	Moses	Walsh, Mass.
Calder	King	Pomerene	Watson, Ga.
Cameron	Knox	Shortridge	Weller

NOT VOTING—36.

Ball	Hitchcock	McLean	Reed
Colt	Kendrick	Myers	Shields
Cummins	Keyes	Norbeck	Smith
Dial	Ladd	Overman	Stanfield
Edge	Lenroot	Owen	Stanley
Fletcher	Lodge	Page	Townsend
France	McComick	Penrose	Underwood
Frelinghuysen	McKellar	Phipps	Warren
Glass	McKinley	Pittman	Williams

So the motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 7294) supplemental to the national prohibition act, which had been reported from the Committee on the Judiciary with amendments.

The VICE PRESIDENT resumed the chair.

Mr. STERLING. Mr. President, let me make a very brief statement in regard to the purpose of this bill.

Referring to the national prohibition act, and section 7 of that act, I find this provision:

Not more than a pint of spirituous liquor to be taken internally shall be prescribed for use by the same person within any period of 10 days and no prescription shall be filled more than once.

Nothing is said in the act relative to prescribing beer or wine. I think it was assumed at the time, or was contemplated, that beer or wine would not be prescribed for medicinal purposes. But, Mr. President, later there was an opinion by the former Attorney General to the effect that under the law beer or wine might be prescribed for medicinal purposes. There being no limitation in the law at all, it naturally followed that if beer and wine could be prescribed for medicinal purposes, they could be prescribed in any quantity.

Because of that condition, Mr. President, and because of the further condition, too, that under the opinion of the Attorney General the manufacturers of beer are now applying to the Commissioner of Internal Revenue for regulations governing the manufacture of beer for medicinal purposes, this bill was introduced, was passed in the House, and is, as I think, under the circumstances, a piece of necessary legislation.

Now, a word or two as to the provisions of the bill. Section 2 of the bill provides:

That only spirituous and vinous liquor may be prescribed for medicinal purposes, and all permits to prescribe and prescriptions for any other liquor shall be void.

Thus permitting the use of spirituous and vinous liquor for medicinal purposes, but by plain implication, at least, prohibiting the prescribing of beer for such purposes.

The section further provides the quantity of alcoholic content in any prescription of wine, and that—

No physician shall prescribe, nor shall any person sell or furnish on any prescription, any vinous liquor that contains more than 24 per cent of alcohol by volume, nor shall anyone prescribe or sell or furnish on any prescription more than one-fourth of 1 gallon of vinous liquor, or any liquor that contains more than one-half pint of alcohol, for use by any person within any period of 10 days.

The committee proposes to amend the foregoing by adding after the word "any," in line 3, on page 2, the words "such vinous or spirituous," the words "vinous or spirituous" relating back to the like words in the first line of the section. Also, to amend by adding the words "separately or in the aggregate" after the word "contains," in line 4, page 2.

Mr. President, I wish to say with reference to the quantity of the alcoholic content in any prescription of wine that the 24 per cent there allowed is, I think, about the maximum per cent of alcohol in any wine. I think the testimony before the committee shows that, and that very rarely, at least, do wines contain a greater amount of alcohol than 24 per cent.

Further, Mr. President, there were some abuses that arose under section 4 of the national prohibition act. Section 4 of the national prohibition act permits of the manufacture of proprietary and patent medicines, flavoring extracts, and so forth, under subdivisions b, c, d, and e.

It was found that that portion of the national prohibition act was being evaded and that preparations presumably unfit for beverage purposes were being used for such purposes and for intoxicating-beverage purposes. Hence the bill provides:

If the commissioner shall find after hearing, upon notice as required in section 5 of title 2 of the national prohibition act, that any article enumerated in subdivisions b, c, d, or e of said national prohibition act is being used as a beverage, or for intoxicating-beverage purposes, he may require a change of formula of such article, and in the event such change is not made within a time to be named by the commissioner he may cancel the permit for the manufacture of such article unless it is made clearly to appear to the commissioner that such use can only occur in rare or exceptional instances.

Provision is made for review of decisions of the commissioner in this respect as in other respects under the national prohibition act.

As the bill came to the committee from the House it provided that—

No intoxicating liquor shall be imported into the United States, nor shall any permit be granted authorizing the manufacture of any vinous or spirituous liquor, save alcohol, until the amount of such liquor now in distilleries or other bonded warehouses shall have been reduced to a quantity that in the opinion of the commissioner will, with the liquor that may thereafter be manufactured and imported, be sufficient to supply the current need thereafter for all nonbeverage uses.

It was thought that this was unnecessarily severe; that there was hardly any reason for a prohibition against the importation and the manufacture of all intoxicating liquors. It was urged before the committee, and I think with reason, that there were those who use wines for medicinal purposes who had a preference for some foreign brand of wine, and that they ought not to be precluded from the use of that kind of wine for medicinal purposes.

Hence the committee limited the prohibition against importation to spirituous liquors, rather than to all intoxicating liquors. So, with the manufacture, we limited the prohibition against the manufacture to spirituous liquors, it being thought that if there was any danger on account of the great quantity of intoxicating liquors in this country at the present time, or if such quantity in itself led to an evasion of the national prohibition law, the danger was not on account of wine or vinous liquors, but rather on account of the tremendous amount of spirituous liquors. Hence the committee struck out the word "intoxicating" and inserted the word "spirituous" in lieu thereof, and in line 10 of the bill, on page 3, struck out the words "vinous or."

Section 3 of the bill simply relates to the application of the bill to the Territory of Hawaii and the Virgin Islands and confers jurisdiction on the courts of that Territory and those islands to enforce the provisions of this act and the national prohibition act.

Section 4 provides simply that regulations may be made by the commissioner to carry into effect the provisions of the act.

Section 5 is new, and provides:

SEC. 5. That all laws in regard to the manufacture and taxation of and traffic in intoxicating liquor, and all penalties for violations of such laws that were in force when the national prohibition act was enacted, shall be and continue in force, as to both beverage and nonbeverage liquor, except such provisions of such laws as are directly in conflict with any provision of the national prohibition act or of this act; but if any act is a violation of any of such laws and also of the national prohibition act or of this act, a conviction for such act or offense under one shall be a bar to prosecution therefor under the other.

I think that is but a just and reasonable provision. A man should not be held to answer twice for the same offense.

The second paragraph of section 5 provides:

If distilled spirits upon which the internal revenue tax has not been paid are lost by theft, accidental fire, or other casualty while in possession of a common carrier subject to the transportation act of 1920 or the merchant marine act, 1920, or if lost by theft from a distillery or other bonded warehouse, and the person guilty of the theft has been convicted of the offense, and it shall be made to appear to the commissioner that such losses did not occur as the result of negligence, connivance, collusion, or fraud on the part of the owner or person legally accountable for such distilled spirits, no tax shall be assessed or collected upon the distilled spirits so lost, nor shall any tax penalty be imposed or collected by reason of such loss.

As the bill came to the Senate committee the casualty must in the first instance have arisen while the goods were in the possession of a common carrier subject to the transportation act of 1920; but there are common carriers under the merchant marine act as well, and we thought the provisions should be extended to them, as well as to the railroads, which would come under the transportation act of 1920.

We have added a clause at the end of the bill providing that—

Nothing in this section shall be construed as in any manner limiting or restricting the provisions of title 3 of the national prohibition act.

That was done, I may say, I think, out of an abundance of caution and for the reason it was thought that some of the provisions in the first paragraph of section 5 might have the effect of limiting or restricting the provisions of title 3 of the national prohibition act, it being remembered, of course, that title 3 refers solely to industrial alcohol, and the object is to encourage and promote the manufacture of alcohol for industrial purposes.

I think that is all I wish to say now, unless there are some questions to be asked.

Mr. McNARY. Mr. President—

Mr. STERLING. I yield to the Senator from Oregon.

Mr. McNARY. Adverting to section 2 we read—

That only spirituous and vinous liquor may be prescribed for medicinal purposes, and all permits to prescribe and prescriptions for any other liquor shall be void.

I wish to ask the Senator from South Dakota why the inhibition was laid only against malt liquor. As I understand, permission can be given to prescribe spirituous and vinous liquors, and the inhibition would only run against malt liquors.

Mr. STERLING. Yes; against beer.

Mr. McNARY. What is the reason for that?

Mr. STERLING. The great and fundamental reason, I think, is that physicians, druggists, and the medical profession generally are all agreed that beer is not a medicine and should not be used for medicinal purposes. That is the great reason. If it does serve any medicinal purpose it is one which physicians say can be met in other ways without the danger of cultivating the beverage use of an alcoholic liquor.

Mr. SPENCER. Mr. President—

The VICE PRESIDENT. Does the Senator from South Dakota yield to the Senator from Missouri?

Mr. STERLING. Certainly.

Mr. SPENCER. I wish to ask the Senator if he would be good enough to give me information with reference to the first, second, and third lines on page 2. As I read that provision it is that no physician may prescribe more than a pint of wine for use by any patient within any period of 10 days.

Mr. STERLING. Oh, no; I think the Senator is mistaken. It says one-fourth of 1 gallon of vinous liquor.

Mr. SPENCER. Yes; that is 1 quart.

Mr. STERLING. It provides:

Nor shall anyone prescribe or sell or furnish on any prescription more than one-fourth of 1 gallon of vinous liquor, or any such vinous or spirituous liquor that contains separately or in the aggregate more than one-half pint of alcohol, for use by any person within any period of 10 days.

Mr. SPENCER. In other words, if I read it aright, no patient could have prescribed for him more than 1 quart of wine within a period of 10 days; that is, one-tenth of a quart of wine in any one day would be the limit for which any patient under any circumstances could receive a prescription from his physician.

Mr. STERLING. Yes; the Senator is correct.

Mr. SPENCER. Will the Senator be good enough to tell me how the Committee on the Judiciary of the Senate ever felt qualified to substitute their judgment for the judgment of the physician as to the amount of wine that a physician might prescribe for a patient?

Mr. STERLING. The Senator might ask the same question with reference to the provisions of the original act, which provides that no more than 1 pint of spirituous liquor shall be prescribed for use within any period of 10 days. It is deemed

as a necessary restriction and safeguard upon the sale of intoxicating liquors. That is the object. It was thought that ought to be ample. The prescription of 1 quart within a period of 10 days ought to be ample.

Mr. SPENCER. Does the original bill refer to a prescription or only to the sale?

Mr. STERLING. It refers to the prescription. This is the language:

Not more than a pint of spirituous liquors to be taken internally shall be prescribed for use by the same person within a period of 10 days, and no prescription shall be filled more than once.

Let me say to the Senator that the 1 quart of wine with 24 per cent of alcohol will be equal in alcoholic content to the 1 pint of spirituous liquor, because the spirituous liquor contains about 50 per cent of alcohol, and 1 pint may be prescribed; but here 1 quart of wine may be prescribed and the wine may contain 24 per cent of alcohol.

Mr. SPENCER. Is it not the information of the Senator that port wine as used for beverage contains a very much higher percentage of alcohol than 24 per cent?

Mr. STERLING. Oh, no.

Mr. SPENCER. I yield to the Senator's better information on that.

Mr. STERLING. If I am correctly informed, port wine contains less than 20 per cent of alcohol ordinarily. The highest is supposed to be about 24 per cent. In fixing 24 per cent as the volume of alcohol we fix about the maximum of alcoholic content in wine. That is the information I have.

Mr. WADSWORTH. Mr. President, will the Senator from South Dakota be good enough to answer one or two questions that I wish to put to him?

Mr. STERLING. Certainly, with pleasure.

Mr. WADSWORTH. My recollection of the existing law and its definition is not very accurate, but I notice in section 2 it is provided that only spirituous and vinous liquor may be prescribed for medicinal purposes.

Mr. STERLING. Yes.

Mr. WADSWORTH. Then the bill proceeds to limit the amount that may be prescribed. When alcohol is prescribed for medicinal purposes may it not be prescribed for external use?

Mr. STERLING. Yes.

Mr. WADSWORTH. Does the Senator think it possible to give a patient in a hospital an alcohol bath a day under the terms of the bill?

Mr. STERLING. I think that is taken care of in the national prohibition act, which, in prescribing the amount of spirituous liquor that may be used, refers to its use internally. No more than 1 pint of liquor can be prescribed for use internally during any period of 10 days.

Mr. WADSWORTH. But this bill does not say that.

Mr. STERLING. This bill does not say that in terms, but I think it does not conflict with the national prohibition act.

Mr. WADSWORTH. May I call the Senator's attention to the language of line 3, page 2, as follows:

Or any such vinous or spirituous liquor that contains separately or in the aggregate more than one-half pint of alcohol, for use by any person within any period of 10 days.

Therefore if my interpretation is correct—I may be wrong, and I ask for information—not more than one-half pint of alcohol can be prescribed for use in a hospital by any patient inside of 10 days for medicinal purposes.

Mr. STERLING. I may say to the Senator from New York that it was not the intention of the framers of the bill, I think, in the first place, nor the intention of the Senate committee that alcohol might not be used for external use.

Mr. WADSWORTH. The bill does not say so.

Mr. STERLING. That is taken care of, I think, in the national prohibition act.

Mr. NELSON. Mr. President—

Mr. STERLING. I yield to the Senator from Minnesota.

Mr. NELSON. I want to say to the Senator that denatured alcohol without limit may be used on patients for external purposes and is so used.

Mr. KNOX. Mr. President—

The VICE PRESIDENT. Does the Senator from South Dakota yield to the Senator from Pennsylvania?

Mr. STERLING. I yield.

Mr. KNOX. I should like to ask the Senator from South Dakota a question, and if I may I will precede it by a sentence or two.

As I understand, under the law as it exists and as it will continue if the pending measure is passed spirituous liquors can only be sold for medicinal purposes. Is there any protection for the man who has to take spirituous liquor on the prescription of his physician for the restoration of his health?

Is there anything in this measure or any measure which we have heretofore passed which provides that the spirituous liquor which shall be prescribed shall have been manufactured under the auspices of the Government, thereby insuring its relative purity, or can physicians prescribe all the "moonshine" and manufactured synthetic stuff that may be gotten by the bootlegger?

Mr. STERLING. I will say to the Senator from Pennsylvania that there is no provision of the national prohibition act, nor is there in this measure, which requires only spirituous liquors that have been manufactured under Government auspices to be prescribed.

Mr. KNOX. Does not the Senator from South Dakota think that, inasmuch as spirituous liquor can only be sold for the healing of the sick, there should be some protection to the patient? We have pure food laws; we have laws that are intended to take care of the health of the people in almost every other direction. Now, when it comes to the prescribing of so vicious a thing as spirituous liquor for the restoration of the health of a patient, should we not in the law provide that the patient shall get the pure article?

Mr. STERLING. Mr. President, of course there are bounds, I think, to the suggestion made by the Senator from Pennsylvania. I do not believe that we would be quite warranted in providing here, as the Senator suggests, that only liquor manufactured under Government supervision should be prescribed. I think that matter was somewhat mooted and discussed when the national prohibition bill was being considered. I do not know whether the discussion originated with the Senator from Pennsylvania or not.

Mr. KNOX. I think it did.

Mr. STERLING. I have a faint recollection of the Senator suggesting something of that kind.

Mr. KNOX. I think I did, but the matter was not discussed on the floor of the Senate. It was only discussed privately between the Senator from South Dakota and myself. He turned a deaf ear to the suggestion. But I propose to offer an amendment to this bill to that effect.

Mr. WADSWORTH. Will the Senator from South Dakota permit another question?

Mr. STERLING. Certainly.

Mr. WADSWORTH. May I ask the Senator to tell us just what he expects to be gained by the language used at the bottom of page 4 and top of page 5 of the bill, which permits the cancellation of taxes in the event that liquor is stolen? I ask that question in view of the fact that it is the favorite form of thievery to-day.

Mr. STERLING. I know there is a great deal of liquor being stolen, and I think that heretofore there has been no exemption of taxes where such property has been stolen.

Mr. WADSWORTH. That is what I wanted to ascertain.

Mr. STERLING. Because there had never been any, or very little at least, stolen, but there has been a great deal of liquor stolen since the prohibition act went into effect.

Mr. WADSWORTH. Why is that?

Mr. STERLING. I think the answer to that question can be made by the Senator from New York as well as by myself. I will say, however, that it is largely because of the desperate desire of men under prohibition, many of whom before prohibition could get along without it as well as with it, to have some intoxicating liquor.

Mr. BROUSSARD. Mr. President—

Mr. WADSWORTH. I was going to ask another question. I have read the pending bill very hastily and had not seen it previously to its being brought before the Senate this morning. Has the Senator from South Dakota given any consideration to the suggestion that this new provision of the proposed law will be an invitation to thievery?

Mr. STERLING. I will say to the Senator from New York that we have. This matter was considered very carefully by the committee. The Senator will notice how carefully the language of the proposed legislation is guarded by providing that if the theft should be through the connivance, collusion, or negligence of the party legally accountable for the tax there shall be no remission of the tax.

Mr. WADSWORTH. Oh, yes; but there are many ways of getting around that.

Mr. WALSH of Montana. Mr. President—

Mr. STERLING. I yield to the Senator from Montana.

Mr. WALSH of Montana. If I may interrupt for a moment, I feel like saying to the Senator from New York [Mr. WADSWORTH] and to the Senator from Louisiana [Mr. BROUSSARD], who are interested in the second paragraph of section 5, that the friends of prohibition are not in the slightest degree concerned about that part of the bill; they are not interested in

it. The whole thing may be stricken out, so far as they are concerned.

The committee was impressed with the measure of justice which was contained in the complaint of the manufacturers of liquor in this respect; and if the Senators who criticize this language are really solicitous about their interests, I am sure the committee will be very glad to help perfect that provision of the bill. However, so far as the friends of prohibition are concerned, the whole thing may go out.

Mr. WADSWORTH. Mr. President, I am not solicitous about anybody's interests; I am solicitous, however, about the enforcement of law. To-day we are suffering from a debauchery of law violation. A part of that debauchery is the stealing of liquor. It seems to me that this proposed legislation invites further stealing. I do not care from whom the liquor is stolen or who steals it; I am against stealing just as I am against any violation of any law. We have enough law violation to-day. This proposed legislation, to my mind, is going to make it worse. It will tempt the most reputable physicians in the country to violate the law in every decent hospital. Anything that I can do by way of suggestion or amendment to reduce the possibility of violation of the law I shall do.

Now, here we have a proposal that when any liquor upon which the tax has not been paid is stolen from a warehouse—and, mind you, the taxes are very high and well worthy of consideration—and collusion can not be proven between the owner and the thief, the owner is relieved of the liability to pay the tax. It is an invitation to undermine warehouses and take the stuff out. That has already been done in scores of instances. It seems to me we might leave upon the owner the responsibility of paying the tax, whether the liquor is stolen or not. If we leave that responsibility upon him, it will urge him to prevent the thievery.

Mr. BROUSSARD. Mr. President—

Mr. STERLING. Mr. President, if the Senator from Louisiana will wait for a moment, I think we may leave it to the Internal Revenue Commissioner, who will have the administration of this proposed law in charge, to say whether where theft is alleged there has been any connivance, any fraud, any collusion, or any negligence, even, in the language of the act, upon the part of the owner.

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

Mr. STERLING. I yield.

Mr. BROUSSARD. I should like to have the Senator in charge of the bill explain to the Senate why—

Mr. WALSH of Montana. Mr. President, before the Senate passes from the point just now under discussion I should like to say a word with respect to the matter.

Mr. BROUSSARD. I merely desire to ask a question of the Senator in charge of the bill and of the Senator from Montana also.

Mr. WALSH of Montana. I desire to say a word with respect to the matter just now under discussion before we pass from that.

Mr. BROUSSARD. If I have the floor, I wish to ask a question.

Mr. STERLING. I hope the Senator from Louisiana will yield to the Senator from Montana while we are upon this proposition.

Mr. BROUSSARD. I intend to yield in a moment, but I should like to ask a question before we pass from the point.

Mr. STERLING. Very well.

Mr. BROUSSARD. The last paragraph of section 5 provides that if any liquors are stolen while in transit the tax shall be refunded or shall be rebated. The provision of the House bill was to the effect that this should be done in all cases; but I notice on page 5, line 12, that the Senate bill as amended reads:

This provision shall apply to any claim for taxes or tax penalties not collected.

The words "not collected" being inserted by the Senate committee.

Mr. STERLING. Yes.

Mr. BROUSSARD. I wish to inquire why the distinction is made between one who has voluntarily paid the tax, and having voluntarily paid the tax is penalized in the amount of that tax, and the man who has neglected to pay the tax, who is not required to pay it at all?

Mr. STERLING. I will say to the Senator from Louisiana that it was thought, where the tax penalties had been collected following the tax assessment, there should be no refund. That was the idea under which the committee inserted that amendment. I think the Senator will recall, however, that when I presented the report yesterday morning I stated that I reserved the right to ask that the Senate disagree to that amendment in-

serting the words "not collected." I did that partly in view of an amendment which the committee adopted in the first line of the paragraph where we inserted after the words "if distilled spirits," the words "upon which the internal-revenue tax has not been paid." I think if the Senator will let that go over until we reach it, it might be discussed then.

Mr. BROUSSARD. I am glad that the Senator intends to offer an amendment, because the provision as now worded would seem to penalize the man who has complied with the law.

Mr. STERLING. I did not say that I would offer an amendment, but I said that I would reserve the right to ask the Senate to disagree to the amendment. I should like to consider the matter, because the amendment was hurriedly put in.

Mr. BROUSSARD. Does the Senator believe it is right to penalize the man who has paid the tax, whereas the man who has not paid the tax is exempted, the basis of the exemption being that the liquor was stolen, he having no connection with the theft? If the owner has not paid the tax he is not out a cent, but if he has paid, according to the Senator's position, unless the Senator changes his mind, the money having been paid in, the Government would retain it.

Mr. STERLING. Yes.

Mr. NELSON. Mr. President, will the Senator from South Dakota allow me to interrupt him?

Mr. STERLING. I yield to the Senator from Minnesota.

Mr. NELSON. I want to say to the Senator from Louisiana that under our internal-revenue laws as far back as I can remember no one had recourse to recover any tax paid unless he paid the tax under protest. In order that the taxpayer may recover any tax which he has paid he must make protest when he makes the payment. If he fails to pay under protest, it is the universal rule that he can not recover. This bill does not change the law in that respect.

Mr. BROUSSARD. I should think it does. I take exception to the statement of the Senator from Minnesota. There is no question here of payment under protest. The bill provides that—

This provision shall apply to any claim for taxes or tax penalties not collected.

It makes no reference to any protest filed; but the mere fact that the owner has paid the tax would cause him to lose the amount, whereas the man who had neglected to pay it would not be out a cent.

Mr. WALSH of Montana. Mr. President—

Mr. STERLING. I yield to the Senator from Montana.

Mr. WALSH of Montana. With respect to that matter, I should like to say to the Senator from Louisiana that that is in strict accordance with the almost universal rule concerning the payment of taxes. If a man pays a tax which he is not obliged by law to pay, he can not recover. If he has not paid a tax which he is not obliged by law to pay, he will not be forced to do so. That is all that provision means; that a man who has paid his tax can not recover the tax. That is the law now.

Mr. BROUSSARD. The fact that a man has paid the tax is no basis for a settlement between that individual and the Government?

Mr. WALSH of Montana. Exactly.

Mr. BROUSSARD. Is that equity?

Mr. WALSH of Montana. If a man pays a tax which is utterly illegal, he can not recover it back from the Government.

Mr. BROUSSARD. Whether it is legally due or not?

Mr. WALSH of Montana. Exactly. If he pays it, he can not get it back.

Mr. BROUSSARD. Is that right?

Mr. WALSH of Montana. It does not make any difference whether it is right or not, it is the universal rule of taxation.

Mr. BROUSSARD. But is it right?

Mr. WALSH of Montana. Of course it is right, or it would not be generally accepted by the whole country in all tax systems.

Mr. BROUSSARD. So the Senator subscribes to the rule that when a man ships a carload of alcohol and promptly pays a tax, and ships another carload of alcohol, but, in order not to take any chances, withholds from the Government the payment of the tax until the delivery of that carload of alcohol, in the case of B if it is stolen it is right for B not to pay another cent, whereas to A the Government would say, "You have paid it, and we will keep it." Is that correct?

Mr. WALSH of Montana. That is not the situation; but, even if it were so—

Mr. BROUSSARD. It is the situation. I beg the Senator's pardon.

Mr. WALSH of Montana. Even if the Senator stated the situation correctly, I would say that that was the rule of law

which the experience of our country for 100 years has established.

Mr. BROUSSARD. The experience of this country so far as prohibition laws are concerned is not 100 years old.

Mr. WALSH of Montana. This has no reference to the prohibition laws.

Mr. BROUSSARD. It has. I differ with the Senator, because we are now operating under a different system of rules, and your very bill here demonstrates that, for this reason: You provide in section 5—

Mr. WALSH of Montana. I do not recognize that there is anything more sacred about a tax on alcohol than there is about a tax upon any other commodity.

Mr. BROUSSARD. Neither do I. I am asking the Senator a question with reference to the equity involved in the Government's keeping a tax which has been paid and which it is not entitled to in one case, when it does not require its payment in another case where the man has not paid it.

Mr. WALSH of Montana. I am trying to tell the Senator.

Mr. BROUSSARD. I wish the Senator would.

Mr. WALSH of Montana. I have told the Senator that the rule here is the universal rule with respect to the payment of any taxes.

Now, Mr. President, if I may continue, I was about to say, with respect to the statement made by the Senator from New York, that he has not quite accurately cited the second section.

Mr. BROUSSARD. I will ask the Senator another question. Why do you not insert here a provision that when the tax is paid the provision shall apply to any claim for taxes or tax penalties not collected; or why do you not permit the man who has paid it to pay it under protest, and then be protected in the amount which he pays?

Mr. WALSH of Montana. If he paid it under protest, he would be protected now.

Mr. BROUSSARD. I do not find anything to that effect in this bill.

Mr. WALSH of Montana. How could he protest? Upon what ground would he offer any protest?

Mr. BROUSSARD. I will ask this question: How could a man protest against an act to which, under the provisions of this bill, he is not a party, namely, a theft, and anterior to the theft?

Mr. WALSH of Montana. Exactly; so why put in such a provision?

Mr. BROUSSARD. Why do you insert a provision of that kind when a man could not by protest protect himself?

Mr. WALSH of Montana. How could he protest? The supposition that the Senator makes is that the liquor is stolen after he pays the tax.

Mr. BROUSSARD. The only way to put all the shippers of alcohol on the same footing would be to strike out the very amendment which the Senate committee has inserted, "not collected," and therefore the party would not be forced to pay the tax, whether it had been paid or not, the minute he could show that there was no collusion in the theft. That would be equitable.

Mr. WALSH of Montana. The situation is this: The Senator from New York says that the provision is too liberal, and the Senator from Louisiana says it is not sufficiently liberal.

Mr. BROUSSARD. I am speaking about this particular amendment.

Mr. WALSH of Montana. I understand the Senator. The Senator from New York says it is too liberal; it is likely to provoke theft. The Senator from Louisiana says it is not liberal enough.

Mr. BROUSSARD. But the Senator from New York agrees with me that all this bill is objectionable.

Mr. WALSH of Montana. I simply say that the Senator from New York is not quite accurate in his statement that the department must show that there was no collusion in order to escape the payment of tax. The burden is upon the other party, the party claiming exemption, to show that there was no collusion; and he must establish to the entire satisfaction of the commissioner that there was no collusion.

Mr. STERLING. Mr. President, I ask now that the bill be read for amendment.

Mr. GERRY. Mr. President, will the Senator yield for a question?

Mr. STERLING. I yield to the Senator from Rhode Island.

Mr. GERRY. Under the second section of this bill, if I understand it correctly, a physician may not prescribe more than one-half pint of alcohol, no matter how seriously ill his patient may be and no matter how absolutely necessary his medical judgment may tell him that this stimulant is. In other

words, if a physician believes that he can only save a patient's life, say, in a case of pneumonia, by prescribing an additional amount of alcohol above the one-half pint that the law provides for, he must commit a felony or a misdemeanor. Am I correct in that?

Mr. STERLING. I think so. The bill by its terms provides that not more than one-fourth of one gallon of vinous liquor may be prescribed for use for any person within a period of 10 days, or liquors, vinous or spirituous, or both, which contain more than one-half pint of alcohol.

Mr. GERRY. In other words, the law puts the physician in the position of having to decide whether he shall do what he believes is his professional duty, necessitating breaking the law, or whether he shall abide by the law and do that which he knows is to the detriment of his patient?

Mr. STERLING. I will say to the Senator from Rhode Island that exactly the same question might have been asked with reference to the national prohibition act, where 1 pint of spirituous liquor is the limit of the amount that may be prescribed within a period of 10 days.

Mr. BROUSSARD. Mr. President, right here let me ask—

Mr. GERRY. If the Senator will excuse me, I know that that is the provision of the present prohibition law and I know how much the reputable physicians of this country have objected to that provision and to the insult that it implied against the entire medical profession. It places the physician to-day in the position often of having to do an illegal act in order that he may do his duty.

Mr. STERLING. Mr. President, I must disagree with what the Senator has to say with regard to the reputable physicians of this country. I am not saying that there are not certain reputable physicians who may entertain the same idea in regard to prescribing spirituous or vinous liquors for medicine as the Senator from Rhode Island, but I think the great majority of reputable physicians of the United States are against their use for medical purposes. The great American Medical Association by resolution in 1917 declared against it.

Mr. BROUSSARD. Mr. President, I should like to ask the Senator whether the American Medical Association has not reversed itself this year—last month?

Mr. STERLING. Let us see what the evidence is.

Mr. GERRY. I can say to the Senator that some of the best-known medical men in the country have come out in direct contradiction to the Senator's statement; and that these medical men who carry great weight in the profession, who are entitled to every consideration on account of their learning and ability, are placed in this awkward, arbitrary position by Congress because Congress apparently does not believe that the medical profession can be trusted to obey the law and prevent a system of bootlegging. It seems to me that this is an outrageous smirch to cast on one of the finest bodies of men that this country has, a body of men who do probably as much good as any other body of our citizens.

Mr. STERLING. No, Mr. President; I do not think it is the idea of the Congress at all to cast any reflection upon that great body of citizens and professional men—the medical profession. That is not it; but the Senator should remember that the enforcement of a prohibition law is always accompanied with the utmost difficulty, and evasions of all kinds are resorted to; and hence the necessity, in the very nature of things, and because it is that kind of a law, of making it what we might ordinarily term a drastic law in order to prevent evasions. Let me say further to the Senator from Rhode Island that the national prohibition law is not yet, in its provisions in regard to the use of intoxicating or spirituous or mal' liquor as a beverage, as drastic as the laws of some of the States of this Union, under which any party violating may be held, of course, to answer.

Mr. GERRY. I think the Senator's remedy is very much worse than the evil. Apart from the question involved, as to whether or not this section is constitutional, there is no doubt that it puts a great many men of the highest character and integrity in a very difficult position by its arbitrariness, and whether or not Congress intended that a slur should be cast on a great profession, there is no question that such a slur is cast by such legislation. In my opinion it is carrying legislation much too far when we start to interfere with what shall be prescribed, and consider that Congress is better able to act as a physician than one who is licensed to practice medicine.

Mr. STERLING. Let me say this word to the Senator: The Supreme Court of the United States has passed upon practically every phase of the prohibition question, every phase of the question as it arose under the war-time prohibition act in the first place, and secondly under the national prohibition act

itself. It has examined the decisions of the several State supreme courts where the prohibition laws are very drastic and severe. It has justified those laws because of the particular nature of the business, because of the great temptations to evade the law, and it has justified the national prohibition act and the restrictions and regulations of that act on exactly the same ground that the States themselves justify their several prohibition acts.

Mr. BROUSSARD. Mr. President—

The PRESIDING OFFICER (Mr. CURTIS in the chair). Does the Senator from South Dakota yield to the Senator from Louisiana?

Mr. STERLING. I yield to the Senator from Louisiana.

Mr. BROUSSARD. Is it the intention of your committee to reduce by one-half the quantity of alcoholic liquor that a physician may prescribe for a sick patient?

Mr. STERLING. It is not the intention, but the intention is practically to preserve the right to prescribe as much as he is allowed to prescribe under the national prohibition act.

Mr. BROUSSARD. I want to call the Senator's attention to the reading of his bill:

No physician shall prescribe, nor shall any person sell or furnish on any prescription, any vinous liquor that contains more than 24 per cent of alcohol by volume, nor shall anyone prescribe or sell or furnish on any prescription more than one-fourth of 1 gallon of vinous liquor, or any such vinous or spirituous liquor that contains separately or in the aggregate more than one-half pint of alcohol, for use by any person within any period of 10 days.

Then I read from the national prohibition law, on page 7, the last half of section 7, as follows:

Not more than a pint of spirituous liquor to be taken internally shall be prescribed for use by the same person within any period of 10 days, and no prescription shall be filled more than once.

Is it not a fact that by the bill under consideration you are seeking to limit the amount of spirituous liquor to half a pint, which is to include not only that taken internally but liquor for any purpose, because you intentionally leave out the expression "internally," and you use the words "separately or in the aggregate," whereas under the national prohibition law the physician had the right to prescribe 1 pint to be taken internally, and had no reference to external use of alcohol?

Mr. STERLING. I think I can explain that so that the Senator from Louisiana will understand it. We provide by the bill that not "more than one-half pint of alcohol, for use by any person within any period of 10 days," may be prescribed. What is that the equivalent of? When a physician prescribes one-half pint of alcohol, he prescribes a pint of whisky.

Mr. BROUSSARD. Oh, no.

Mr. STERLING. Yes; he does.

Mr. BROUSSARD. If the Senator will pardon me, the act says, "Not more than a pint of spirituous liquor." It does not say 50 per cent or 100 per cent proof alcohol.

Mr. STERLING. Mr. President, when that language was written in the national prohibition act it was understood that whisky contained 50 per cent of alcohol. I think, perhaps, that is the maximum of alcohol contained in liquor sold as whisky, or about the maximum.

Mr. BROUSSARD. May I suggest to the Senator that the term "spirituous liquor" is used in both places, and in the national prohibition act it says 1 pint of spirituous liquor, and under this proposed amendment you use the same words, "spirituous liquor," but fix the quantity at "one-half pint."

Mr. STERLING. Oh, no. If the Senator will read all the language, he will find that it says "or any such vinous or spirituous liquor that contains separately or in the aggregate more than one-half pint of alcohol." That is the language of the statute, not that he is limited to one-half pint of spirituous liquor at all. He may have his full pint of spirituous liquor, just as under the terms of the present law, but the spirituous liquor contains 50 per cent of alcohol, and he is getting in the pint of spirituous liquor a half pint of alcohol.

Mr. BROUSSARD. Is not alcohol spirituous liquor?

Mr. STERLING. Certainly.

Mr. BROUSSARD. Then under the national prohibition act the physician could prescribe a pint of alcohol, whereas under the bill under consideration he is restricted to one-half pint.

Mr. STERLING. No; we say not "more than one-half pint of alcohol," and that for the reason that the word "spirituous" is a word generally used. I may say alcohol is a spirituous liquor; I think it is called that rather than a distilled liquor, but it may be called a distilled or spirituous liquor.

Mr. BROUSSARD. I submit to the Senator that I fail to understand the wording of this in any way except that under the national prohibition law the physician may prescribe 1 pint of alcohol, whereas under the proposed law he may pre-

scribe one-half pint of alcohol, or 1 pint of liquor containing 50 per cent of alcohol, and there is no escaping the conclusion that you are limiting the doctor by 50 per cent.

Mr. STERLING. In giving a meaning to the word "spirituous" as used in the national prohibition act, we take it in its common signification, which is not equivalent to saying alcohol, although alcohol may technically, I suppose, be called spirituous liquor.

Mr. SHORTRIDGE and Mr. WALSH of Massachusetts rose. The PRESIDING OFFICER. Does the Senator from South Dakota yield; and if so, to whom?

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

Mr. SHORTRIDGE. Quite apart from the merits of the matter, I wish to ask the Senator, as a legal proposition, whether that is not a repeal of the section referred to.

Mr. STERLING. Of the national prohibition act?

Mr. SHORTRIDGE. Yes; looking closely to the very language, is it not impliedly a repeal of the provision of the national prohibition act?

Mr. STERLING. No; I do not think it is an implied repeal of that act. The Senator will observe that under section 7 of the national prohibition act only spirituous liquor is mentioned. This provision under discussion now is meant to cover, since we are going to allow wine to be prescribed for medicinal purposes, both the vinous and spirituous liquors, and it was thought necessary to provide the quantity of alcohol that might be prescribed, and in fixing the quantity of alcohol we fixed the quantity of alcohol that would be found in a pint of spirituous liquor. That is the object, and I think the two will stand together.

Mr. SHORTRIDGE. I wished to get the Senator's opinion on that as a legal proposition.

Mr. WALSH of Massachusetts. Mr. President—

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

Mr. STERLING. I yield.

Mr. WALSH of Massachusetts. I would like to ask the Senator if the committee received any medical testimony on the question of whether beer contained any medicinal qualities or not; and if so, what was the judgment of the committee on that issue?

Mr. STERLING. The Senate committee did not have any testimony on that, but I have before me the House hearings, and I will be glad to refer the Senator from Massachusetts to the statement of physicians of his own State on that question. Over 500 of them have signed this statement:

To whom it may concern:

The undersigned physicians of Massachusetts desire to place on record their conviction that the manufacture and sale of beer and other malt liquors for medicinal purposes should not be permitted. Malt liquors have never been listed in the United States Pharmacopoeia as official medicinal remedies. They serve no medical purpose which can not be satisfactorily met in other ways, and that without the danger of cultivating the beverage use of an alcoholic liquor.

I have not counted the signatures to that statement, but I am informed that there are over 500 names signed to it.

Mr. BROUSSARD. What page is that?

Mr. STERLING. Page 316 of the hearings.

Mr. WALSH of Massachusetts. I am very thankful to the Senator for his information. I think there is a popular impression abroad that beer and malt liquors are beneficial for medicinal purposes.

Mr. STERLING. Yes.

Mr. WALSH of Massachusetts. In fact, I have a telegram from one of the leading public men of Massachusetts stating that his daughter contracted tuberculosis during the war, while assisting in the service of her country, and that after trying various and many remedies he succeeded in restoring her to health by administering to her malt liquor. So I was anxious to know whether or not the committee had considered expert medical testimony upon that point. Certainly most of the public, a great many lay people, not familiar with the technical terms of medicine, believe that beer and malt liquors are helpful in certain diseases.

Mr. SHORTRIDGE. Mr. President—

The PRESIDING OFFICER. Does the Senator from South Dakota yield to the Senator from California?

Mr. STERLING. I yield.

Mr. SHORTRIDGE. As perhaps throwing some light on the question propounded by the Senator from Massachusetts, if the Senator who has the floor will permit me, I have here in my hand a letter addressed to me by a gentleman from Connecticut. It will take but a moment to read it, and it may serve a good purpose, if the Senator will permit me—

Mr. STERLING. Certainly.

Mr. SHORTRIDGE. Addressing me, the writer says:

SWEETING PROHIBITION SHOULD STOP AT THE DOOR OF THE SICK ROOM.

To deprive the sick and the miserable of the rich malt drinks that they need as medicines would be inhumane and cruel in the extreme. That might do for the benighted fanatics who in India worship gods of wood and stone, but it will not do for the Senate and the people of the United States of America.

I am shocked at the apathy of the medical profession regarding the threatened prohibition of malt liquors for medicinal purposes. Any physician who does not know the value of Dublin stout, India pale ale, and the richest kind of beer is to be pitied, and one who denies their value for impoverished blood and anemia is too inexperienced to practice medicine.

I have had personal experiences with malt liquors in sickness that leave no room for academic argument, and I am ready to state them for the information of Congress. My record as a temperance man goes back to the days before the prohibition party had even reached its swaddling clothes.

I ask the United States Senate to give the sick and the miserable a square deal. I ask that the use of malt liquors as medicine for sick people be specifically authorized by Congress and made subject to the discretion of reputable physicians.

Yours, for sanity and justice,

W. T. HORNADAY.

Mr. STERLING. I have seen Mr. Hornaday's letter.

Mr. SHORTRIDGE. While I am on my feet, if the Senator will indulge me—

Mr. STERLING. Certainly.

Mr. SHORTRIDGE. Before this interesting discussion is over, I think I can throw some light upon the proposition that malt liquors do have medicinal properties and virtues.

Mr. WILLIS. Mr. President—

The PRESIDING OFFICER. Does the Senator from South Dakota yield to the Senator from Ohio?

Mr. STERLING. I yield to the Senator from Ohio.

Mr. WILLIS. The Senator yields to me for the purpose of inserting in the RECORD at this point—and I desire to have the attention of the Senator from California [Mr. SHORTRIDGE]—some extracts from the hearings in the House, since the Senator has read a letter from a physician who states that, in his opinion, beer has a medicinal value.

Mr. STERLING. Will the Senator allow an interruption?

Mr. WILLIS. Certainly.

Mr. STERLING. I do not know that Mr. Hornaday, whose letter was just read by the Senator from California, is a physician. I have a letter from Mr. Hornaday, but I did not think he was a physician, and I think he is not.

Mr. WILLIS. He writes as if he was not. But I want to insert in the RECORD some extracts from the hearings in the House from such physicians, for example, as Dr. Wiley; Dr. Rowland, of the University of Maryland; Dr. Howard Kelly, of Johns Hopkins University; and numerous other physicians and scientists throughout the country, who state specifically and clearly that beer has no medicinal value. I have gone through these hearings. There is the testimony of only one physician to the effect that beer has a medicinal value. He affected to speak for a medical society in New York, and before the hearings were finished he was specifically repudiated by that society.

The testimony in these hearings is to the effect that beer has no medicinal value. That is agreed upon by the physicians of the country, evidenced by the fact that there are, according to the hearings, 152,627 physicians in the United States, and of that number 78 per cent do not prescribe liquor in any form. So that the weight of the testimony, as shown in the hearings, is entirely to the effect that beer has no medicinal value. I ask unanimous consent to insert in the RECORD, in connection with the statement made by the Senator from California, the statements of these other physicians.

The PRESIDING OFFICER. Without objection, permission is granted.

Mr. WILLIS. The testimony to which I have referred in disproof of the claim that beer has medicinal value is taken from the hearings before the Committee on the Judiciary of the House of Representatives on H. R. 5083, May 12, 13, 16, 17, and 20, 1921. At page 12 of the hearings Dr. Harvey W. Wiley, the well-known physician and food expert, says:

In so far as my experience extends beer has never been regarded as a remedial agent. It has been considered solely as a beverage. I have never seen a prescription written by a physician in good standing for beer as a remedial agent. There has been no discovery within the past few years which indicates that beer in any form has any specific medical utility. There is no reason from the pharmacopoeial point of view for its inclusion in any line of remedies. The drinking of beer as it was formerly done in this country has been recognized as deleterious. Beer drinkers are required to pay a higher premium in life insurance companies than those who do not drink beer. It is regarded, especially when freely indulged in, as detrimental to health, tending to increase obesity, which in itself is a threat to long life and health. There is no scientific reason that I can think of why it should now be regarded at this late date as a medicine.

At page 29 of the hearings Dr. Wiley further states:

STATEMENT OF DR. HARVEY W. WILEY, WASHINGTON, D. C.

Dr. WILEY. Mr. Chairman, I have been asked to appear before the committee to say a word in regard to the medicinal properties of beer. It is a pretty hard question on which to speak, because in my opinion there are none.

I was president of the United States Pharmacopoeial Convention for the decennial period from 1910 to 1920, during which time the ninth decennial revision of the pharmacopoeia was completed.

Beer, so far as I know, has never been found in the Pharmacopoeia of the United States. I have not had an opportunity to look through all of the different editions, but certainly it has not been recognized as a medicinal agent officially within the past three or four decades. There was no question before that convention or the revision committee with reference to beer, and no request was made at that time for the inclusion of beer in that pharmacopoeia.

The nearest we come to it is in malt extract; that is a pharmacopoeial remedy. It is prescribed, however, that it shall be made in such a way as to carefully exclude alcohol therefrom. Malt extract is made solely of powdered malt and water, and the malt is sterilized so that no fermentation can take place.

So far as I know I have never seen in any medical work on materia medica or on the therapeutics any reference to beer as a remedial agent. I have a number of such works in my library, and this morning I took the trouble to look through the indices of all of them and I did not find the title "beer" in any of the indices of those works. I conclude therefrom that beer has never been recognized by the medical profession as a remedial agent.

So far as I know, I have never seen a prescription written by a physician which included beer as one of its elements. There may have been such prescriptions, but I have not had my attention drawn to them.

The testimony of Dr. Howard A. Kelly, of Johns Hopkins University, is given in part as follows, on pages 97 and 98:

STATEMENT OF DR. HOWARD A. KELLY, EMERITUS PROFESSOR, JOHNS HOPKINS UNIVERSITY, BALTIMORE, MD.

Dr. KELLY. I can state succinctly and briefly, sir, that in all my years of practice from 1882 on I have never known any occasion to prescribe beer. I have held countless consultations with some of the most distinguished men in the country, as well as average practitioners, and I have never had any occasion or known them to suggest that beer was a remedy of any sort for any kind of disease whatever. If it should be contended that alcohol is sometimes of use, I have the remedy at my disposal at the drug store—alcohol. If some one will contend that malt is useful, it is very easy to prescribe malt or in a prescription to combine the two and so secure their utility. That does not involve the rehabilitation of the brewing interests of the country and is easily managed from any reputable drug store.

At page 99 Dr. James M. Rowland, formerly professor of obstetrics, University of Maryland, testifies in part as follows:

In two very large clinics over which I have had the supervision for many years in Baltimore, a great many thousand cases, I have never seen any beneficial results from the use of beer in those cases, or other malt products. Every medicine in the world almost at one time or another has been given for the purpose of increasing and improving the supply of mother's milk; beer and various malt preparations in addition. I have tried them all rather thoroughly and have not found any benefit from them. Not only is it not found beneficial to give beer, or useful to give beer, but it has a rather harmful effect.

At page 12, appears the following statement signed by 100 of the leading physicians and scientists of the country; the complete list of signatures is found in the hearings:

To whom it may concern:

The undersigned physicians of the United States desire to place on record their conviction that the manufacture and sale of beer and other malt liquors for medicinal purposes should not be permitted. Malt liquors never have been listed in the United States Pharmacopoeia as official medicinal remedies. They serve no medical purpose which can not be satisfactorily met in other ways, and that without the danger of cultivating the beverage use of an alcoholic liquor.

Page 324 contains the following statement signed by a very large number of Indiana's leading physicians and health authorities:

To whom it may concern:

The undersigned physicians of the United States desire to place on record their conviction that the manufacture and sale of beer and other malt liquors for medicinal purposes should not be permitted. Malt liquors never have been listed in the United States Pharmacopoeia as official medicinal remedies. They serve no medical purpose which can not be satisfactorily met in other ways, and that without the danger of cultivating the beverage use of an alcoholic liquor.

At page 138 the Ohio Medical Association goes on record as follows:

The Ohio State Medical Association, representing 4,500 regular physicians, indorses overwhelmingly the prohibition of the liquor traffic for beverage purposes and can see no excuse for the use of beer or other malt liquors as medical remedies. Personally, as a teacher in a medical school, I have taught for years that any supposed indications for their use could be satisfactorily met in other ways.

J. H. J. UPHAM,

Chairman Committee on Public Policy and Legislation.

Professor of Medicine, Ohio State University.

At page 15 of the hearings the National Association of Retail Druggists makes the following statement through its secretary:

The executive committee of the National Association of Retail Druggists of the United States desire to place on record their conviction that the manufacture and sale of beer and other malt liquors for

medicinal purposes should not be permitted. Malt liquors have never been listed in the United States Pharmacopœia as official medicinal remedies.

Attest:

SAMUEL C. HENRY, *Secretary*.

And, finally, on page 46 Mr. Oliver T. Remmers, attorney for Anheuser-Busch, of St. Louis, says:

We believe that good beer has a specific medicinal value. It is brewed from the finest cereals and hops, noted for centuries for their medicinal properties. But we deny that there is any emergency demand for beer for the sick.

The cereal beverages manufactured by Anheuser-Busch, in strict compliance with the law, contain 20 per cent more of the soluble substances of the ingredients from which they are manufactured than the average good beer brewed in the United States. If beer is good for the sick—and we believe it is—our cereal beverages are better. And, moreover, we have been for 25 years manufacturing a malt tonic that contains approximately 15 per cent of malt solids, and it is ever so much better as a medicinal product than any beer that was ever manufactured. There is, therefore, no excuse for the sale of beer for medicinal purposes. If the patient needs alcohol, the physician can prescribe it. If he needs merely a tonic, he can get that without the alcohol. All this can be done and the dignity and sanctity of our laws preserved.

Mr. BROUSSARD. If I may be permitted now, I would like to ask the Senator from Ohio if it is not a fact that within the last 30 days the three leading associations of physicians in the United States have protested, not only against this proposed law, but against the national prohibition act?

The PRESIDING OFFICER (Mr. CURTIS in the chair). The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The PRINCIPAL LEGISLATIVE CLERK. A bill (S. 506) to provide adjusted compensation for the veterans of the World War, and for other purposes.

Mr. McCUMBER. Mr. President, I wish to ask the Senator from South Dakota if he expects to get a vote right away on his bill?

Mr. STERLING. I do not know that I can get a vote right away. That is a little previous.

Mr. WADSWORTH. I can inform the Senator that he will not.

Mr. McCUMBER. That being the case, and until assured that the bill will have a vote in the reasonably near future, I wish to ask the Senator from South Dakota if he will not allow me to go on for a little while with a discussion of the adjusted compensation bill for veterans of the World War, which is now the unfinished business? Then if there is no one else who wishes to speak on it when I am through, I shall be glad to give way to the Senator from South Dakota.

Mr. NORRIS. Mr. President, let me suggest to the Senator from North Dakota that while I do not expect to talk at great length, I do expect to discuss some amendments that I propose to offer to the soldiers' compensation bill, and I thought I would do it as soon as the Senator from North Dakota had finished his remarks.

Mr. HARRISON. Mr. President—

The PRESIDING OFFICER. The Senator from South Dakota [Mr. STERLING] has the floor.

Mr. STERLING. I yield to the Senator from Mississippi.

Mr. HARRISON. I judge from the question of the Senator from North Dakota [Mr. McCUMBER] that he might not press the soldiers' bonus bill. Do I understand from his remarks that he might lay it aside or that the enthusiasm which attended that bill has waned somewhat in the last 24 hours?

Mr. McCUMBER. I am not going to lay aside the soldiers' compensation bill. I am going right on with it.

Mr. HARRISON. The Senator intends to press the soldiers' compensation legislation, does he not?

Mr. McCUMBER. I think that was indicated when I just asked the Senator from South Dakota to be allowed to go on with the bill at this time.

Mr. HARRISON. I knew the Senator had been the champion of the bill, and I was in hopes that he had not deserted the cause.

Mr. STERLING. Then the Senator from North Dakota, after he shall have concluded his speech on the soldiers' compensation bill, will agree to lay that bill aside?

Mr. McCUMBER. I am willing to lay it aside at that time.

Mr. STERLING. Then I yield the floor for that purpose.

Mr. NORRIS. Mr. President, I do not desire to have any misunderstanding. The Senator from South Dakota said he would yield for that purpose. The soldiers' bonus bill now has the right of way.

The PRESIDING OFFICER. The question is on yielding the floor. The Senator from South Dakota had the floor when the hour of 2 o'clock arrived and was entitled to the floor after the unfinished business was laid before the Senate. He has yielded the floor, and the Senator from North Dakota [Mr. McCUMBER] is recognized.

ADJUSTED COMPENSATION FOR VETERANS OF WORLD WAR.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 506) to provide adjusted compensation for the veterans of the World War, and for other purposes. Mr. SMOOT. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll. The principal legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Hale	McNary	Simmons
Borah	Harrell	Moses	Smoot
Brandeggee	Harris	Myers	Sterling
Broussard	Harrison	New	Sutherland
Calder	Heflin	Newberry	Trammell
Cameron	Johnson	Nicholson	Underwood
Capper	Jones, N. Mex.	Norris	Wadsworth
Caraway	Jones, Wash.	Oddie	Walsh, Mass.
Curtis	Kellogg	Overman	Walsh, Mont.
Dillingham	Kendrick	Pittman	Watson, Ga.
Elkins	Kenyon	Pomerene	Weller
Ernst	King	Ransdell	Williams
Frelinghuysen	Knox	Robinson	Willis
Gerry	La Follette	Sheppard	
Gooding	McCumber	Shortridge	

The PRESIDING OFFICER. Fifty-eight Senators having answered to their names, there is a quorum present. The Senator from North Dakota is recognized.

Mr. McCUMBER. Mr. President, in 1920, I think on the 20th day of May, the House of Representatives, having a very considerable Republican majority, passed a soldiers' compensation bill and sent that bill to the Senate. Of course, it was sent to the Senate at so late a date that it was impossible that it could receive the action of the Senate at that particular session.

The bill contained two features which required a great deal of consideration, which consideration had not been given it in the House, in my humble opinion. One feature was the taxation scheme. The other feature was a new reclamation scheme, and for which I think about \$250,000,000 was appropriated in the bill. The bill passed the House, if I remember rightly, with not more than half a dozen votes against it. I am informed that there were only four votes against it. I have not looked up the record to see. The vote was nearly unanimous. That vote was taken at a time when every man in the Senate and in the House fully understood the financial and business situation of the country.

Contrary to the statement made by the senior Senator from Montana [Mr. MYERS] the other day that the bill which emanated from the House was the result of propaganda on the part of the soldiers, the truth is that the soldiers had not at that time asked the Congress to do anything. There had not been a petition filed, there had been no action by a single one of the posts throughout the country for congressional action. There were pending, however, in the House at that time between 75 and 80 bills for soldier relief emanating from the different Members of that body.

Now, that was not a party vote. Republicans and Democrats joined in what they considered was a debt due to the soldiers who fought the Great War. I do not think that it was intended for political purposes, as has been indicated by one of the Senators speaking on the other side of the Chamber, because both Democrats and Republicans voted to support the measure. I wish to say right now that I most sincerely hope that no partisanship will ever enter into the discussion of a single problem that grew out of the great World War, including the problem of the settlement of what is justly due to the soldiers.

In 1860 there was a sharp division between the Republican Party that had just come into existence and the old Democratic Party upon the slavery question. That partisanship grew most bitter, and when secession occurred as the result of the election of a Republican President at that time it was most natural that those who believed in the Union cause became Republican as soon as the secession movement was started. It was also most natural that when the Union soldiers came out of the war with scarcely an exception they joined in sentiment and affiliation with the Republican Party. It was most natural at that time, Mr. President, that the Southern States, which had lately been in secession, which had suffered so much by reason of the war and the destruction of their property, should not feel very kindly toward the proposition of pensions for the benefit of those who had conquered them and had created such devastation in their country.

As a result, almost every northern soldier became per se Republican in politics. When we went to the political hustings the whole discussion in the early days to the old soldier was what the Republican Party had done for him and what the

Democratic Party had failed to do or had attempted to negative.

Now, Mr. President, for the first time since the great Civil War we have had a war in which the whole country was united. Important in many respects as was the War with Spain, it was but a skirmish compared with either the great Civil War or the great World War. The World War was fought by the American people. Republicans and Democrats vied with each other in supporting the administration in everything that was necessary or that was deemed necessary or expedient for the purpose of bringing about a successful termination of the war. So long as I live I never want to hear it stated that for anything that is done as an expression of gratitude or as an expression of moral obligation to the soldiers of the World War either the Democratic or the Republican Party should have any special credit. Whatever step we take we ought to take in the name of the American Republic for the benefit of the soldiers of the World War, a war which was conducted by the American people and not by either one of the political parties. So I will plead with Senators on both sides of the Chamber not to attempt to inject into the discussion of this matter any partisan politics nor to attempt to get any advantage over the President of the United States by any maneuver whatever on the subject of legislation for the benefit of the American soldier.

Mr. President, I am going to take up for a few moments the letter of the Secretary of the Treasury which was suddenly injected into the Senate on yesterday, a long time after the bill was reported out of the Committee on Finance. It would have been pleasing, at least to the committee, if the Secretary of the Treasury had serious objections to the bill, if he had presented those objections while the matter was being considered by the Committee on Finance. The bill had been before the Committee on Finance up until February, I think, of 1921. It had been reported at that time. It was to be expected that in all probability it would be reported in much the same shape at the present session, as there had been little change in the personnel of the Committee on Finance. However, I am not complaining. The present Secretary of the Treasury was not the Secretary of the Treasury in February last. I have neither complaint against nor any criticism of the letter of the Secretary of the Treasury in response to a letter written by the Senator from New Jersey [Mr. FRELINGHUYSEN], undoubtedly for the very purpose of eliciting any objection the Secretary might have not only to the pending bill but to any other bill which would add to the Treasury burden.

The Secretary of the Treasury is earnestly desirous, as he ought to be, not only to guard the Treasury against undue burdens but to lessen those already existing. Probably if the Senator from New Jersey had written to the Secretary of the Treasury and asked him about any other bill that would involve an expenditure of \$100,000,000 now, and perhaps several billion dollars in the next 20 years, the Secretary of the Treasury would have written a like reply.

Mr. President, I quote from an article in the Washington Post of this morning, which says:

The bonus bill naturally came in for discussion, it was announced.

The article refers, of course, to the visit of the President yesterday to the Senate.

The President was committed publicly, a long time ago, to favorable attitude on the soldiers' bonus.

Now, let us accept for granted that the President "was committed publicly, a long time ago, to favorable attitude on the soldiers' bonus." The Washington Post, of course, is very desirous of eternally referring to it as a "bonus," although upon its face it is neither a gift nor a gratuity, because that journal is opposed to the compensation bill. The article proceeds:

But the administration believes, as Secretary Mellon made known yesterday, that "this is not a time to impose several billion dollars of new liabilities on an already overburdened Treasury."

So, Mr. President, we have this situation: The administration supports the soldiers' bonus bill, but the administration believes that its enactment ought to be delayed. It does not say for how long a time, but it ought to be delayed at least for a short time; in other words, it ought not to be passed just now.

Mr. WALSH of Massachusetts. Mr. President—

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

Mr. McCUMBER. I yield to the Senator from Massachusetts.

Mr. WALSH of Massachusetts. The Senator does not mean to say that the administration supports the bill. What he does mean to say, I feel, is that the President of the United States, who, of course, is the head of the administration, supports the justice of the claim for adjusted compensation. Is not that the fact?

Mr. McCUMBER. I think the semieditorial properly presents the President's attitude when it says that "the President was committed publicly, a long time ago," not to a sentiment in favor of the bill, but "to favorable attitude on the soldiers' bonus." That has but one meaning—that the bill should be passed by the Congress of the United States at some time.

Mr. WALSH of Massachusetts. Mr. President—

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

Mr. McCUMBER. I yield.

Mr. WALSH of Massachusetts. I do not think the Senator and I differ in our views as to the administration's position. What I wanted to bring out is the fact—and it is a very cogent one with me in forming my judgment upon this bill—that the measure is either a just one or it is the biggest fake and graft ever proposed in Congress. Each Senator must take his position upon the justice of the proposal as maintained by the friends of this measure when they say that in fairness and in justice and in equity the compensation of soldiers ought to be adjusted so as to give them the amount of money provided in the bill, or he must take the other position, that this adjusted compensation proposal is all wrong; that it is a bunko game; that it is a fraud, and must be opposed as a raid upon the Treasury. If the first position be taken—and I understand that is the position the President has taken—both he and those of us who take this position ought to admit the justice of the claim here and now, even if we agree that the time for payment should be postponed. Indeed, admitting the obligations, we ought to state frankly when and how we intend to pay it.

Mr. McCUMBER. Mr. President, I naturally suppose, inasmuch as "the President was committed publicly, a long time ago, to a favorable attitude on the soldiers' compensation bill," that he believed it to be just, or he would not have announced his favorable attitude. Therefore I am going to assume in the discussion of this bill that the President wants to do justice as soon as he thinks it can be done.

I admit that there may be times and conditions of the country, and states of the Treasury, when we may have to postpone what we all regard as a just and proper obligation. We may differ as to the necessity of postponing it; but that would be a question of difference of opinion, and would have no bearing upon the question of the justice of the proposition that the obligation should be met.

So, I repeat, it brings itself right down to the proposition of the time at which the bill should either become a law or should become operative. I have not heard either the President or the Secretary of the Treasury declare that making it become operative on July 1, 1922, would be too early a date. No one has suggested that the date of its operation ought to be continued six months thereafter, or that it ought to be continued one year thereafter. When the bill came over from the House it was first amended by the Committee on Finance so that it became operative on the 1st day of January, 1923. That matter was subsequently discussed, and when the matter came up the second time in the amended bill which I presented it was concluded that we could just as well begin on the 1st day of July, 1922, as upon the succeeding 1st day of January. There was another reason for making it the 1st day of July, outside of the bare question of the time when the payments ought to begin to become operative. It was this: We have more than 4,000,000 enrolled soldiers. We shall have to get out the application blanks; we shall have to provide ourselves with the necessary number of clerks and help to send those blanks to the several soldiers. We shall have to get out information, and it is going to take several months to do that and to do it properly, unless we vote to suddenly and enormously increase the number of clerks in the departments. Secondly, we wanted to give the soldier himself at least six months after he has informed himself, or at least several months, in which he could exercise his option upon the several plans that have been presented to him. That was another one of the reasons that actuated the committee in fixing a later date.

Now I wish to read another excerpt from the same paper:

In the matter of the President's plea for the deferring of the soldier bonus bill, the "trouble makers" will admittedly go on the warpath against the administration at once and will attempt to carry the so-called agrarian Senators and the Democrats besides those Senators like Mr. McCUMBER, who are immovable in favoring the bonus. As Mr. McCUMBER is the author of the soldier bonus bill, it is not strange that he should be among the strongest supporters of it.

There are two propositions in that statement that require some consideration. I think in my 22 years of service in the Senate no one will claim that I have not been a party Senator. I believe, and candidly believe, that we can get the best results in legislation through party cooperation, and that there should be the closest personal relation between the President of the

United States and the party which is responsible for legislation. I always have acted in the past, and I shall continue to act in the future, just as far as I am able to do so and as my conscience will permit, in harmony with my party in carrying out its pledges to the American people, and I shall continue to subvert my own views wherever necessary to the views of a majority of my associates who are responsible for legislation. So, Mr. President, you can not count me among those who are desirous of throwing obstacles in the pathway of the administration.

Mr. President, no man entering upon the duties of President of the United States has ever met with such an array of desperate problems as those faced by President Harding on the 4th day of March last. The whole country had become demoralized—labor, business, finances—and the question of bringing order out of this chaos at a time when all of the nations of Europe were practically bankrupt. Our cost of production had enormously increased, while the nations of the Old World had become so impoverished that they could not purchase from us, even at the old prices. Our mills and factories were nearly idle, and our farm products would not pay the expense of production. Instead of interposing obstacles, instead of trying to find some way in which we can obstruct the administration, instead of trying to find some means by which we can secure an advantage for the Democratic Party in the next election, our sole purpose ought to be the patriotic duty to join with him in lifting the country out of the slough of despondency. We ought to delay all partisan politics until we get this country on its feet again. We have just as hard a problem to solve as we had when we declared that we were in a state of war, and we need the united support of every Senator on the floor just as much as we needed it in those dark days of conflict.

So I pray that we will lay aside for the present every attempt to take advantage, either party of the other. A Senator speaking on the other side of the Chamber the other day declared that we were putting off the effective operation of this bill until 1922 for the purpose of utilizing a benefit that might accrue from it for the Republican Party. I am certain that no such thought ever entered the mind of anyone supporting this bill. It is unbelievable. I certainly did not indulge in such a thought, because in the first instance I joined in a report that put off its operation until 1923, when it would have had no possible effect; but, Mr. President, it will not have any such effect, because it is not going to be a party question. Your good Democratic soldiers will continue to vote the Democratic ticket, just as they did before the war, knowing that their representatives in Congress have not made a political issue out of it, and the same is true of Republican soldiers.

Mr. WALSH of Massachusetts. Mr. President—

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

Mr. McCUMBER. I yield.

Mr. WALSH of Massachusetts. As I understand, the only opposition from the administration, the executive branch of the Government, is a financial one, namely, that the condition of the Public Treasury will not permit the meeting of the payments called for in this legislation.

Mr. McCUMBER. I am inclined to think, if the Senator will allow me to present it in a little different light, that it is not only a question of the present state of the Treasury, but there is a fear, as expressed by the Secretary, that the adding of these obligations, even though they be scattered over 20 years, may interfere with the refunding of maturing obligations or the funding of foreign obligations in such form as would make them assets upon which cash might be realized. I think the Secretary of the Treasury is giving undue weight to that idea; but, of course, that is only my view as against that of a business man who knows the banking business and the financial interests of the country better than I do.

Mr. WALSH of Massachusetts. I think the Senator and I feel exactly alike about this measure. We feel that there is a just debt due these men and that our Government ought to adjust it and settle it as soon as possible. One of the provisions of this bill calls for no expenditure of money at the present time. It is the 20-year insurance-certificate plan. Now, certainly nobody can object to postponing payment to these soldiers of their adjusted compensation for 20 years.

If the administration will not support the present bill, why can we not eliminate all the other provisions of this bill, and pass the 20-year certificate-plan provision? That will postpone practically all payments and all obligations for 20 years and at the same time permit those who need ready money to borrow on their certificates.

Mr. McCUMBER. Mr. President, I should not favor that, for the reasons I have mentioned. I think when we, just prior to an election, passed in the House of Representatives a soldiers'

compensation bill containing these five provisions after full and long hearings, in which the representatives of the soldier element gave their testimony, it was tantamount to an offer on the part of the House of Representatives to the American soldier; and as the Senate Committee on Finance, without opposition, twice reported favorably to the Senate substantially the same proposition, varying only as to the time in which the payment should be made, I regard that rather as sealing the assurance to the American soldier that the American Congress would take care of the situation in that bill which had practically been agreed upon, although the exact time in which it should come into operation had not been definitely decided.

Therefore I think that we should make good; I think we should make good even though there was not a single thing in the party platform of either one of the great political parties that the soldiers should receive this particular kind of a bill. But if I take the Republican platform, I find this declaration:

We hold in imperishable remembrance the valor and patriotism of the soldiers and sailors of America who fought in the Great War for human liberty, and we pledge ourselves to discharge to the fullest the obligations which a grateful Nation justly should fulfill.

What obligations? Every just obligation. We had already taken care, by legislation enacted before that time, of the wounded, of the sick, of every class of disability. So there was nothing left to do but to adjust something which we considered was still due them, and I think the American soldier had a right to read that declaration of the Republican platform, and read it in connection with what a Republican House had just done, and what, in all probability, the American Congress intended to do.

So I think, Mr. President, there is a duty imposed upon the American Congress to make good what they said they would do on the 20th day of May, 1920.

Mr. JONES of New Mexico. Mr. President—

The PRESIDING OFFICER (Mr. JOHNSON in the chair). Does the Senator from North Dakota yield to the Senator from New Mexico?

Mr. McCUMBER. I yield.

Mr. JONES of New Mexico. I am in very hearty accord with the view of the Senator that this is a just obligation, but I must confess that the term "just obligation" is one which may be interpreted in many ways, and while the Senator has interpreted this to be a just obligation, does not the Republican platform leave any Republican free to say whether it is or is not a just obligation?

Mr. McCUMBER. I agree with the Senator; necessarily that conclusion must follow. If any Senator believes it is not a just obligation, then to him the platform declaration does not apply.

Mr. JONES of New Mexico. In other words, what the Senator has just read was written by a platform maker, and not by one in favor of this bill, necessarily.

Mr. McCUMBER. I think the Senator is in error in that. I think when we get down to the vote upon this bill he will find very few votes in the Senate against it. I think everyone here wants to do justice. I think there are few Senators in the Senate of the United States who do not feel that we have not yet discharged fully our obligation to the soldier.

Mr. President, this bill is not going to add one additional penny of expense during the calendar year 1921 and not a penny of additional expense up to and including the fiscal year ending June 30, 1922. In all the reports made by the Secretary of the Treasury he has nowhere indicated a deficit for the fiscal year ending June 30, 1923, and it was to avoid having large payments made in these two fiscal years, 1921 and 1922, in which it was indicated that there would probably be deficits, that this bill was so drawn that there would be no added burden until after July 1, 1922.

Mr. President, despite the pleading of the Secretary of the Treasury, despite the earnest plea of the President of the United States to Congress not to enter into any new fields of expenditure, this Congress has mercilessly swept aside both the advice of the Secretary of the Treasury and the pleading of the President and has appropriated, not millions of dollars, but hundreds of millions, for new fields of governmental activity, and it proposes to open up still others. So the Congress, it seems to me, is determined to expend in some manner every cent which can be raised by taxation, and therefore in practice it becomes a question whether we shall lay aside many things which we could well postpone or whether we should lay aside a moral obligation that we can not afford to postpone indefinitely.

In a letter of the Secretary of the Treasury of April 30, 1921, addressed to the chairman of the Ways and Means Committee of the House, he said:

Ordinary expenses for the first three quarters of the fiscal year 1921 have been \$3,783,771,996, or at the rate of \$5,000,000,000 per year.

That is the way Congress has been listening to the advice of the Secretary of the Treasury and the President of the United States. Then he proceeds:

The Nation can not continue to spend at this shocking rate. As the President said in his message: "The burden is unbearable, and there are two avenues of relief, the one rigid resistance in appropriations and the other the utmost economy in administration."

Have we obeyed either of those mandates? I think not. We have started the country into a number of new fields that will cost not only hundreds of millions a year, but will amount to several billions in far less than 20 years, but we do not seem greatly frightened about them. Those bills do not seem to more than merely ripple upon the surface of the fiscal sea.

Why, then, should we expect a tidal wave of consternation to sweep the entire country if we pass a bill that will take \$200,000,000 the first year, \$131,000,000 the next year, and in 20 years will cost probably only between three or four billion?

Mr. President, I have often heard it said that capital is timid, but I can not imagine why capital should be frightened at a mere shadow and yet have no fear of a mountain of facts.

Mr. President, I have seen strong, brave women who would ride the most dangerous kind of steed over all kinds of country, who would drive an automobile down in the congested districts with other automobiles running in every direction, and with scarce a hair's breadth of escape here and there, with clear eye and steady nerve guide her machine without a sign of fear, and yet I have known those same women to jump upon a table and scream at the presence of a mouse. Of course, I can not account entirely for that element of feminism; I only know that that is true. Neither can I account for this awful fear on the part of the financial world because of a proposal which would impose \$200,000,000 a year in the face of the fact that we have before us continually bills appropriating from one hundred to seven hundred million dollars and aggregating about \$5,000,000,000 per annum.

Let us look at some of the appropriations we have been making. I notice here that in the Sixty-fifth Congress we voted \$500,000,000 for Federal control of the transportation system. In the Sixty-sixth Congress we voted \$750,000,000 additional for the transportation system. In the Sixty-sixth Congress we voted another \$550,000,000 for the transportation system. In the Sixty-sixth Congress we voted another \$300,000,000. In other words, we voted in one Congress nearly \$2,000,000,000 for the railways of the United States, and I am informed by the chairman of the Committee on Interstate Commerce that the railways are now claiming \$600,000,000 more because of the fact that the Railroad Administration in operating the railways left undone things that they should have done, and would have done, as they claimed, except for the deficiency in operating, amounting in the aggregate to \$600,000,000.

Now, I do not know how much of that we will have to pay, but it is staring us in the face as a future obligation, and with that so staring at us we had no difficulty in refunding the several billions of outstanding obligations but a month or two ago. If that did not create consternation, I can not for the life of me understand how a bill that, in my opinion and in the opinion of experts, would not obligate us for more than \$200,000,000 in one year will so distress the financial world that it will bring about a condition of disaster in the country. I do not claim to know these things, but I fail to understand how a little \$200,000,000 will have this effect, when billions of dollars, some of them yet uncertain, do not seem to cause a ripple in the financial world.

I note in the same issue of the paper that publishes these same facts and refers to the consternation that will follow if we pass a bill that will impose \$200,000,000 in 1922 the following in big headlines:

Railroads seeking \$500,000,000 more. Mellon and Hoover approve advance at 6 per cent on systems' securities. Treasury to make profit. Employment of 200,000 additional men seen if funds for betterment are obtained.

If we raise that \$500,000,000 we have to do it by taxation, do we not? It only takes two-fifths as great a levy upon the American people to raise \$200,000,000 as it does to raise \$500,000,000, and yet we have not become frightened because of that claim of \$500,000,000, and which I dare say will be paid, not if it is not fair, not if it is not just, but I know something of the extent to which the roads went down under Government control, and I know that we have to keep good our contract. I hope it will not be \$500,000,000 or even \$1,000,000, but whatever it may be, it is a contingent claim and we will meet it, and it is not disturbing the financial situation so greatly.

We recently passed the naval appropriation bill. Our last one provided \$414,000,000. We passed the Army appropriation bill of \$330,000,000. We have before us now Senate bill 1252, to create a department of education, and the amount that is

appropriated there is \$100,500,000. That is more than we would pay per single year under the soldiers' compensation bill at the end of three years, in my opinion, and yet it is not having the effect that the Secretary of the Treasury seems to think that a like obligation in this bill would have upon the financial situation in this country.

We have Senate bill 1355, to provide for the establishment, construction, and maintenance of post roads and interstate highways. We have been appropriating as much as \$200,000,000 in a year for that purpose. The bill calls for \$100,000,000 for 1922 and another \$100,000,000 for 1923. It is a question of choice. Admitting the beneficent effect of good roads, it is a question of choice in my mind, if we really ought to pay the soldiers' obligation, whether we could not let the bill for good roads go over a year or two. Of course, it is beneficial to everybody to have good roads, but, as you and I know, the person who gets the principal benefit is the fellow who glides along in his automobile. I enjoy the good roads as much as anyone, but I think we could delay that appropriation if necessary and pay the \$200,000,000 to the soldiers. But that expenditure of \$200,000,000 for road building has not elicited from the Secretary of the Treasury any letter claiming that it was going seriously to interfere with refunding our present obligations or settling our foreign obligations. In fairness, however, I believe he would advise also against this added draft upon the Treasury if his advice was called for.

We have another bill pending to provide for the purchase of farm products in the United States and to sell the same in foreign countries. That will take about \$100,000,000 now, and before the corporation gets through I have an idea that it will take a billion dollars. Yet that evidently has not created the same fear in the heart of some of the Senators as has the soldiers' compensation bill, which probably in the end would not cost any material amount more than that one single project; not that it is not a good project and will probably go through, but many of these at least could be delayed until we fulfill what I regard as this moral obligation.

Mr. President, there has been so much said about the expenses involved under the provisions of the bill that I think I am justified in spending a few moments of the time of the Senate in making that subject clear. Compared with the unnecessary expenses of Government the little additional immediate expense will be a mere bagatelle. Let us scan the fiscal situation for a moment in a general way and see what we find.

Prior to the war, though we were appropriating about \$1,000,000,000 a year, we were actually expending between \$800,000,000 and \$900,000,000 per annum. Let us call that a billion dollars a year. The interest on our obligations will now amount to about another billion dollars—I think it is \$922,000,000 in round numbers, but let us call it another billion. That makes \$2,000,000,000. There is no reason on earth why it should cost more than twice as much in 1921 to operate the Government, exclusive of interest, as it cost in 1915 or 1916 or prior to the war. Allowing, therefore, \$2,000,000,000 for ordinary running expenses of the Government, more than double those of 1915, and another billion dollars for interest on our indebtedness, we have a total cost of \$3,000,000,000. The Secretary of the Treasury said that the way we are appropriating we will run our expenses up to \$5,000,000,000 a year. That means that we are spending about \$2,000,000,000 a year more than we ought to, allowing double the cost of operating the Government and paying all of our interest. So there is ample opportunity to reduce our expenditures. Reduce them one-third, reduce them one-quarter or one-fifth, yes, one-tenth, and we will have enough to take care of any yearly payment that would have to be made under the pending bill.

Mr. President, the Secretary further stated that in his opinion the second year of the bill would probably cost the country \$330,000,000. In my report I set out some of the reasons for the assumption that 80 per cent of the soldiers would take the insurance plan or its equivalent, and that 20 per cent would take the cash plan. These reasons are set forth on page 5 of the report, and I wish to give them briefly and then refer to the testimony that bears upon the subject.

On page 5 of my report, under the title "Proportionate number applying under each plan," I said:

Assuming that men will use ordinary judgment and be guided by what clearly appears to be their best interest, we will find little difficulty in determining which plan will be sought by the vast majority. If an applicant, who would be entitled to receive \$400 under the cash plan, which would be paid to him in quarterly installments of \$50 and spread over two years, finds by an examination of the certificate plan that he can have a full paid-up 20-year endowment life insurance policy for \$1,352, against which he can borrow \$393.13 at the end of two years, or \$558.32 at the end of five years, and still retain his said life

insurance without the payment of a single additional cent, can there be any doubt that he would accept the latter proposition?

It must be remembered that the average age of the recipients in 1922 will be in the neighborhood of 28 years, the time of life at which they either have homes or are contemplating such, and who will, therefore, give greater weight to ultimate benefits than to immediate gratification. The question is not presented to the applicant as to whether he will accept \$400 in a single immediate cash payment, but whether he will accept \$400 in \$50 installments spread over two years or accept such insurance with the aforesaid borrowing privileges.

It would seem, therefore, that only the inconsiderate or hard-pressed would exercise his option in favor of the cash plan when he fully understands the advantage of the certificate plan. And before the veteran exercises his judgment he will have been fully informed as to just what each proposition means to him.

We believe we are more than conservative in saying that at least 80 per cent of the veterans will take the certificate plan, carrying, as it does, a very greatly added sum and paid-up insurance, with the right to borrow against it.

A great many Senators come to me and say, "Oh, well, you will find out they all want cash." I do not know any reason that justifies that assertion, except that there has been certain propaganda started under which there was simply sent out to the soldier a request to sign what he wanted, without indicating what the plans were or what each one meant. As between \$400 payable in 20 years and \$400 payable immediately he would prefer cash. Most of them, therefore, speak for the cash plan. However, let us see what the testimony of those who have made a special study of the subject indicates. Testimony was taken before the Committee on Finance last fall and again during February, and again when we had the matter before the subcommittee a few weeks ago. I asked three of the leading officials of the American Legion, who were present in the city, to study the bill and then to give to the committee any advice which they had to offer. Those witnesses were National Commander F. W. Galbraith, jr., Mr. Gilbert Bettman, chairman of the national legislative committee, and Mr. John Thomas Taylor, vice chairman national legislative committee, American Legion. Mr. Galbraith, as will be recalled, was killed in an accident a short time ago. I will take the testimony of these men in the inverse order of their names as I have given them, but will give only short excerpts bearing practically upon two questions: First, why they themselves desire that the amount be paid in \$50 installments; and, second, why they believe that at least 80 per cent of the soldiers will accept the insurance plan. Mr. Taylor says:

Senator, it never has impressed me that the men would take cash, and Mr. Galbraith and Mr. Bettman will speak upon that. The American Legion is within itself—we have said this before your committee—within itself pledged to work for the productive features of this bill. What we want here is help for the soldier; we want help for the ex-service man, and I need not tell you we know what will help him best, because we do know what will help him best. The other features of this bill have been made attractive for that reason—

That is the feature other than the cash feature—

and just as soon as the likelihood of this thing going through appears we will be active; indeed, already we are getting in motion machinery to show to the men just what they should take.

In a private conversation with me, I was informed that they would have 3,000 men in the field visiting the homes to impress the soldier that his best interest would be to take anything but the cash amount. Mr. Taylor further said:

As I said to Senator McCumner, when the matter was up before the Senate Finance Committee, the men who went into the Army were between the ages of 18 and 22 years. That was in 1917, four years ago. To-day they are between 22 and 26 and 27 years of age. It is just the period of a young man's life when they are getting married, when they are thinking about permanently establishing themselves on account of their recent experience. They know what it means to be disestablished.

When this adjusted service certificate—which is the insurance plan of this bill—is properly set forth to the ex-service men, and I have seen it with hundreds of them, these young men who have just married and who are starting out to make a home for themselves, when this possibility for their families is set forth to them, they think it over very seriously, and when they talk it over with their wives and mothers and fathers at home, they will see that here is something that has never been done before; here is insurance given to them. All they have to do is to leave it alone; that is all, just leave it there, not disturb it, and they have something for their family. When you put it up to these fellows, they know that; that gets under them. And the payment of the cash is made in such a way, as Senator McCumner has said, payments of \$50 in quarterly installments over a period of several years' time, that when the other features are shown to the men and the attractiveness is impressed upon them, we never hear any word about the cash; every one of them thinks about the other plans.

I quote now from the testimony of Mr. Bettman:

The attempt was made by having these four or five options to meet the needs of all parts of the country. We were proposing a national law. Therefore we were trying to think up an optional plan which would meet the needs of the various parts of the country.

The fifth plan, you know, was added by the Ways and Means Committee of the House. It contains that insurance feature which, as Senator McCumner has said, is so attractive that there is very little doubt that it will probably be the most popular of the options.

As to the calculations of what the bill is going to cost the Nation and how many will elect this and that option, gentlemen, it is impossible to give positive figures upon that. As Mr. Taylor said, at the

beginning and by reason of the opposition which a bill of this kind naturally excites, the only thing that was talked about was the cash. The average well-informed citizen that you spoke to did not know there was anything else to this bill than cash, and, of course, when a soldier was talked to he said, "Of course, I want cash." He did not know the advantages of the other plans. They are not known now. The public is lamentably misinformed as to this bill.

Therefore we can not get definite figures on how many will select this option or select that option. I can say, for example—

And I ask the attention of Senators to this statement—

the other evening I was speaking in a farming community at Franklin, Ohio, and the commander of the post there told me at that time that a poll had been taken, and that less than 5 per cent of the men of the Franklin post would take cash.

That would leave 95 per cent for the other propositions. He continues:

The American Legion, through its paper, which has a circulation of almost 1,000,000, has pledged itself to propagandize among the soldiers.

Senator SUTHERLAND. What is the name of that paper now?

Mr. BETTMAN. The American Legion Weekly. As I say, it has pledged itself to propagandize among the soldiers and show the advantages of the productive features of the bill, and in the productive features I include the insurance feature as well as home aid and the land project.

So that I think if there is an objection to the cash feature, on the ground that it is going to mean a lot of waste, that the soldiers will just dissipate their money, I think that you gentlemen can feel pretty safe in that regard. Those men in the past have been capable of thinking for themselves. They are capable also of receiving suggestions from men who are working in their interests, and when there is wide publicity on the solid benefits of the productive features of the bill I think we are pretty safe in regard to the number of men who will select either home aid or participation in the land project, if that should remain, or to take the preference privileges under the bill as Senator McCumner has now drawn it.

If the Congress of the United States can take that admitted debt and pay three-fourths of it in a way which is productive of the country's good, I submit with great and deep conviction, gentlemen, that it is a golden opportunity for the country.

Senator SUTHERLAND. Men might neglect it for a long time.

That is, the matter of receiving the money.

Mr. BETTMAN. They might neglect it entirely, Senator SUTHERLAND. Mr. LONGWORTH said, when I made this statement before the Ways and Means Committee, "The Government must assume that all men will file applications for adjustment of compensation." I think it may well be that many men will not file applications, because the number of men who took even that \$60 bonus was not 100 per cent by far; and then, as you say, if you gave a longer time in which to exercise the option, the man will say, "Oh, well, I will wait and see; maybe I won't need it."

Again, Mr. Bettman says that this question has been tried out in a number of their posts. He says:

We have tried it out with a number of small groups.

Mr. BETTMAN. About 95 per cent. A very much larger test was made that made it 85 per cent that were in favor, and only 15 per cent of them said they wanted the cash.

Senator SUTHERLAND. You think it is pretty safe to say that about 20 per cent, not to exceed 20 per cent, would take the cash?

Mr. GALBRAITH. Yes, sir.

Mr. President, that gives us a standpoint from which we can reasonably compute the amount that will be necessary to meet these obligations during a number of years. I believe, therefore, that 80 per cent will take either the insurance plan or its equivalent and 20 per cent will take the cash plan. With that assumption, let us see what it is going to cost us.

As the Secretary of the Treasury has quoted some of these figures just as we have given them, I think he will agree with our tables, provided our facts concerning the percentages are correct.

On the assumption that 20 per cent of the veterans will take the cash-payment plan and 80 per cent the certificate plan, and assuming that one-third of those entitled will borrow from the Government on their certificates, with a repayment of the loans in 10 equal annual installments covering principal and interest, we have this result; and right here, Mr. President, I may say that, taking the mortality tables and also taking the tables of the various large life insurance companies of this country where insurance is given in 20-year endowments, and taking the average age the same as the average age of the soldiers, only about 20 per cent borrow against their endowments; but to make it more certain that it will cover the probable borrowings, we have adopted 33 per cent.

Then in the fiscal year which would end July 1, 1923, it would cost us \$108,898,900. In other words, in round numbers, the cost of the first year's operation would be \$100,000,000. Is such a sum as that beyond what we can afford, in view of the enormous appropriations we are making—\$100,000,000 here, \$100,000,000 there, \$200,000,000 for good roads, several hundred million dollars for education, and so forth? If we can stand those inroads upon the Treasury, then tell me how in Heaven's name the little sum of \$100,000,000 between July 1, 1922, and July 1, 1923, is going to send a tidal wave of destruction over this country?

Now, take the next year—that is the heaviest year—1923, \$200,737,000; 1924, \$118,000,000; 1925, \$79,000,000; 1926, \$69,000,000—I am giving round numbers; 1927, \$59,000,000; 1928, \$96,000,000; 1929, \$82,000,000; 1930, \$60,000,000; 1931, \$46,000,000; 1932, \$33,000,000; 1933, \$30,000,000; 1934, \$22,000,000; 1935, \$3,000,000; 1936, minus \$2,000,000. In other words, the interest coming due upon the borrowings will have so increased that the Government will receive \$2,691,000 more than it will pay out.

In 1937 the Government will receive \$4,000,000 more than it will pay out.

In 1938 the Government will receive \$18,000,000 more than it will pay out.

In 1939 the Government will receive \$7,000,000 more than it will pay out.

In 1940 the cost to the Government will be \$2,000,000.

In 1941 it will be \$11,000,000.

In 1942 it will be \$19,000,000.

I will admit that most of the debt will come due after that. In other words, provision will have to be made then, maybe, for taking care of in the neighborhood of \$3,000,000,000. I think we can leave the next generation to worry over that, however. I am certain that none of us in the Senate will be bothering a great deal about the condition of the country in 1943. While I shall not see it, I am sure that in 20 years this country can easily take care of \$3,000,000,000.

Mr. President, so far as the time at which the bill shall take effect is concerned, it will make little difference whether we pass it to-day or whether we pass it next October; so I believe it will make no difference to the country whether we pass it now or next October, as long as it begins its operations in July of 1922. I think it ought to go through the Senate and be sent over to the House. They were in a hurry to give it to us in a half-baked condition in 1920, with a reclamation scheme that called for an entirely new reclamation bureau, with its thousands of employees and with its indefinite cost, which would probably amount to not less than \$500,000,000 and would probably be a billion dollars before we got through with it, and with a taxation scheme the merits of which the House never considered at all. We would give them then plenty of time to consider it, to consider whether it was proper to annex to it a new tax schedule or some other reclamation scheme for some particular section of the country. It has been greatly simplified and benefited.

For instance, in the old bill, Mr. President, the soldier was compelled to elect in six months whether he would take his option of a preference right in a reclamation scheme that would take from 6 to 10 years before it could be put into operation. It also compelled the soldier not only to decide immediately which one of these several plans he would accept, but to decide absolutely whether he would accept any of them or forfeit his right. Under the bill now, as it is reported to the Senate, all that the soldier has to do is to say, "This is the law. I may not need any of this at this time. Ten years from now I may need it. I will take advantage of it only when I have to," as thousands and thousands and thousands of our soldiers of the Civil War declined to accept the benefits of the pension law until old age compelled them to do it.

Mr. President, considerable complaint was made by one of the Senators because we were not providing that the whole sum that we were going to pay them should be paid at once. I have given my reasons why I think that should not be done. If the Senators believe that the majority of the soldiers are so inconsiderate of their own interests that they would take the cash payment in preference to the insurance payment, with all of its benefits, if they think they are such spendthrifts that they will seek the cash immediately for the purpose of spending it, then it is well that we have this provision that they can not spend more than \$50 at a time. That is just what the American Legion wanted in the bill. They did not want it paid in an entire sum unless it went into either paid-up insurance or a home or a farm or into the productive field.

Mr. President, if I really believed in my heart that passing this bill, carrying the obligation that it does carry, would interfere with the floating of any new securities which we may have to float, that it would seriously interfere with refunding any of our floating obligations, I would say, "Yes; then put it over until you float your obligations and until you get the country in better shape." I do not think it will have that operation, however, notwithstanding the fear of the Secretary of the Treasury or even the President of the United States that that will be a serious danger.

But, Mr. President, this bill should become a law before the first session of the Sixty-seventh Congress shall have adjourned. If that is done, I shall be satisfied, and I know the American

soldiers will be satisfied. In my opinion any delay beyond that will be regarded as bad faith on the part of Congress.

Mr. NORRIS. Mr. President—

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

Mr. McCUMBER. Certainly.

Mr. NORRIS. I wish the Senator would explain the insurance feature in a little more detail. The soldier, if he takes that option, gets a paid-up policy for the amount of insurance that could be purchased by the sum that would be due him if it were paid in cash?

Mr. McCUMBER. No; not quite, Mr. President. Suppose the soldier's service is of a number of days that would entitle him to \$400 in cash. I will take that as the basis. If, instead of saying, "I will take the cash, \$50 every quarter for two years," he says, "I will accept, in lieu of my right to take the cash, the insurance plan," then he would receive a certificate not for \$400 but for \$400 plus 40 per cent, or \$560, bearing interest at the rate of 4½ per cent compounded annually for 20 years, which, I think, in that instance, would make it amount to thirteen hundred and some dollars. With the average soldier I think it would amount to about \$1,100.

That is paid up. He would receive, 20 years from that time, the \$560 with interest at 4½ per cent, compounded annually. At the end of two years he can draw 90 per cent of his \$400 in cash, as a loan, paying 4½ per cent interest, canceling the one against the other; and if he dies before the expiration of the 20 years, his estate would receive the whole sum which would be due at the end of the 20 years. That is the insurance feature of it.

Mr. NORRIS. Assuming he was going to take the insurance plan, and did not want to borrow any money, and did not want to pay any more money, getting it all in the insurance plan, what would he get? As I understand it, if he lived 20 years he would then get the cash, would he not?

Mr. McCUMBER. Yes.

Mr. NORRIS. If he died within the 20 years, it would go to his beneficiary?

Mr. McCUMBER. To his beneficiary or his estate; that is right.

Mr. NORRIS. That would be a clear insurance policy.

Mr. McCUMBER. That is just what it is, a clear endowment insurance policy.

Mr. NORRIS. Paid up?

Mr. McCUMBER. Paid up for 20 years, at the end of which the whole sum becomes due.

ADDRESS BY THE VICE PRESIDENT.

Mr. KING. Mr. President, the Vice President of the United States, Hon. CALVIN COOLIDGE, delivered an address on the 7th instant at the University of Pennsylvania, before the American Classical Association. It was a magnificent address, upon educational, patriotic, and other vital questions. Because of its intrinsic worth and fine sentiments it should be brought to the attention of the country and opportunity to read it afforded the people. Therefore I ask unanimous consent that it be printed in the Record.

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

ADDRESS BEFORE THE AMERICAN CLASSICAL ASSOCIATION.

"We come here to-day in defense of some of the great realities of life. We come to continue the guaranty of progress in the future by continuing a knowledge of progress in the past. We come to proclaim our allegiance to those ideals which have made the predominant civilization of the earth. We come because we believe that thought is the master of things. We come because we realize that the only road to freedom lies through a knowledge of the truth.

"Mankind have always had classics. They always will. That is only another way of saying they have always set up ideals and always will. Always the question has been, always the question will be, What are those ideals to be; what are to be the classics? For many centuries, in education, the classics have meant Greek and Latin literature. It does not need much argument to demonstrate that in the western world society can have little liberal culture which is not based on these. Without them there could be no interpretation of language and literature, no adequate comprehension of history, no understanding of the foundations of philosophy and law. In fact, the natural sciences are so much the product of those trained in the classics that without such training their very terminology can not be fully understood.

"Education is undertaken to give a larger comprehension of life. In the last 50 years its scope has been very much broadened. It is scarcely possible to consider it in the light of the

individual. It is easy to see that it must be discussed in the light of society. The question for consideration is not what shall be taught to a few individuals. Nor can it be determined by the example of the accomplishments of a few individuals. There have been great men with little of what we call education. There have been small men with a great deal of learning. There has never been a great people who did not possess great learning. The whole question at issue is, What does the public welfare require for the purpose of education? What are the fundamental things that young Americans should be taught? What is necessary for society to come to a larger comprehension of life?

"The present age has been marked by science and commercialism. In its primary purpose it reveals mankind undertaking to overcome their physical limitations. This is being accomplished by wonderful discoveries which have given the race dominion over new powers. The chief demand of all the world has seemed to be for new increases in these directions. There has been a great impatience with everything which did not appear to minister to this requirement.

"This has resulted in the establishment of technical schools and in general provisions for vocational education. There has been a theory that all learning ought to be at once translated into scientific and commercial activities. Of course the world to-day is absolutely dependent on science and on commerce. Without them great areas would be depopulated by famine and pestilence almost in a day. With them there is a general diffusion of comfort and prosperity, not only unexcelled but continually increasing. These advantages, these very necessities, are not only to be denied but acknowledged and given the highest commendation. All this is not absolute but relative. It is neither self-sufficient nor self-existing. It represents the physical side of life. It is the product of centuries of an earlier culture, a culture which was none the less real because it supposed the earth was flat, a culture which was preeminent in the development of the moral and spiritual forces of life.

"The age of science and commercialism is here. There is no sound reason for wishing it otherwise. The wise desire is not to destroy it, but to use it and direct it rather than to be used and directed by it, that it may be as it should be, not the master but the servant, that the physical forces may not prevail over the moral forces, and that the rule of life may not be expediency but righteousness.

"No question can be adequately comprehended without knowing its historical background. Modern civilization dates from Greece and Rome. The world was not new in their day. They were the inheritors of a civilization which had gone before, but what they had inherited they recast, enlarged, and intensified and made their own, so that their culture took on a distinctive form, embracing all that the past held best in the Roman world of the Caesars. That great empire fell a prey first to itself and then to the barbarians.

"After this seeming catastrophe scholarships and culture almost disappeared for nearly a thousand years, finally to emerge again in the revival of learning. This came almost entirely out of the influence of the Christian church. The revival of learning was the revival of the learning of Greece and Rome plus the teachings of revealed religion. Out of that revival has grown the culture of western Europe and America. It is important to keep foundations clearly in mind. The superstructure is entirely dependent upon them for support whatever may be its excellence. However worthy a place it may fill, it can not stand except on a sound foundation. In the revival of learning the philosophy of Greece played an important part. It was under its stimulus that the two methods of induction and deduction, experiment and reason, by which the human mind gains knowledge were firmly established. This swept away the vain imaginings of the schoolmen, gave a new freedom to thought, and laid the beginnings of modern scientific research. It has brought about the modern era of learning which is reflected in every avenue of human life. It is in business. It is in education. It is in religion. No one questions its power. No one questions its desirability, but it is not all-sufficient.

"It is impossible for society to break with its past. It is the product of all which has gone before. We could not cut ourselves off from all influences which existed prior to the Declaration of Independence and expect any success by undertaking to ignore all that happened before that date. The development of society is a gradual accomplishment. Culture is the product of a continuing effort. The education of the race is never accomplished. It must be gone over with each individual and it must continue from the beginning to the ending of life. Society can not say it has attained culture and can therefore rest from its labors. All that it can say is that it has learned the method and

process by which culture is secured and go on applying such method and process.

"Biology teaches us that the individual goes through the various stages of evolution which has brought him to his present state of perfection. All theories of education teach us that the mind develops in the same way, rising through the various stages that have marked the ascent of mankind from the lowest savagery to the highest civilization. This principle is a compelling reason for the continuance of classics as the foundation of our educational system. It was by the use of this method that we reached our present state of development.

"This does not mean that every person must be a classical scholar. It is not necessary for everyone who crosses the ocean to be an experienced mariner, nor for everyone who works on a building to be a learned architect; but if the foreign shore is to be reached in safety, if the building is to take on a form of utility and beauty, it will be because of direction and instruction given according to established principles and ideals. The principles and ideals on which we must depend not only for a continuance of modern culture but I believe for a continuance of the development of science itself come to us from the classics. All this is the reason that the sciences and the professions reach their highest development as the supplement of a classical education.

"Perhaps the chief criticism of education and its resulting effect upon the community to-day is superficiality. A generation ago the business man who had made a success without the advantages of a liberal education sent his son to the university where he took a course in Greek and Latin. On his return home, because he could not immediately take his father's place in the conduct of the business, the conclusion was drawn that his education had been a failure. In order to judge the correctness of this conclusion it would be necessary to know whether the young man had really been educated or whether he had gone through certain prescribed courses in the first place, and in the second place whether he finally developed executive ability. It can not be denied that a superficial knowledge of the classics is only a superficial knowledge. There can not be expected to be derived from it the ability to think correctly, which is the characteristic of a disciplined mind. Without doubt a superficial study of the classics is of less value than a superficial acquaintance with some of the sciences or a superficial business course. One of the advantages of the classics as a course of training is that in modern institutions there is little chance of going through them in a superficial way. Another of their advantages is that the master of them lives in something more than the present and thinks of something more than the external problems of the hour, and after all it was the study of the classics that produced the glories of the Elizabethan age with its poets, its philosophers, its artists, its explorers, its soldiers, its statesmen, and its churchmen.

"Education is primarily a means of establishing ideals. Its first great duty is the formation of character, which is the result of heredity and training. This by no means excludes the desirability of an education in the utilities but is a statement of what education must include if it meets with any success. It is not only because the classical method has been followed in our evolution of culture, but because the study of Greek and Latin is unsurpassed as a method of discipline. Their mastery requires an effort and an application which must be both intense and prolonged. They bring into action all the faculties of observation, understanding, and reason. To become proficient in them is to become possessed of self-control and of intelligence, which are the foundations of all character.

"We often hear Greek and Latin referred to as dead languages. There are some languages which may have entirely expired, but I do not think any such have yet been discovered. There are words and forms in all languages which are dead because no longer used. There are many such in our own language. But Greek and Latin are not dead. The romance languages are a modified Latin, and our own language is filled with words derived from Greek and Latin which have every living attribute. This is so true that to a certain extent there can be no adequate comprehension of the meaning of a large part of the language employed in everyday use, and the language of science and scholarship almost in its entirety, without a knowledge of Greek and Latin. Our literature is so filled with classical allusions that an understanding of its beauties can scarcely be secured by any other means.

"The most pressing requirement of the present hour is not how we are to solve our economic problems but where are we to find the sustaining influences for the realities of life? How are we to justify the existing form of government in our Republic? Where shall we resort for teachings in patriotism?

On what can we rely for a continuation of that service of sacrifice which has made modern civilization possible? The progress of the present era gives no new answers to these problems. There are no examples of heroism which outrival Leonidas at Thermopylae or Horatius at the bridge. The literature of Greece and Rome is through and through an inspiring plea for patriotism, from the meditations of their philosophers to the orations of their statesmen and the dispatches of their soldiers.

"The world has recently awakened to the value and the righteousness of democracy. This ideal is not new. It has been the vision which the people of many nations have followed through centuries. Because men knew that that ideal had been partially realized in Greece and Rome they have had faith that it would be fully realized in Europe and America. The beginnings of modern democracy were in Athens and Sparta. That form of human relationship can neither be explained nor defended except by reference to these examples and a restatement of the principles on which their government rested. Both of these nations speak to us eloquently of the progress they made so long as their citizens held to these ideals, and they admonish us with an eloquence even more convincing of the decay and ruin which come to any people when it falls away from these ideals. There is no surer road to destruction than prosperity without character.

"There is little need to mention the debt which modern literature owes to the great examples of Greece and Rome. Even the New Testament was written in Greek. It is unthinkable that any institution founded for the purpose of teaching literature should neglect the classics. Nowhere have the niceties of thought been better expressed than in their prose. Nowhere have music and reason been more harmoniously combined than in their poetry, and nowhere is there greater eloquence than in their orations. We look to them not merely as the writers and speakers of great thoughts but as the doers of greater deeds. There is a glory in the achievements of the Greeks under Themistocles, there is an admiration for the heroes of Salamis, there is even a pride in the successful retreat of the Ten Thousand which the humiliating days of Philip and Alexander can not take away.

"But when we turn to Rome we are overwhelmed by its greatness. When we recall the difficulties of the transportation of that day, which made the defense easy and attack difficult, her achievement not only in conquering all that there was of the then civilized western world but of holding it in subjection with a reign of law so absolute that the world has never known a peace so secure as that of the Pax Romanum strikes us with wonder. They gave to the world the first great example of order, and a tolerable state of liberty under the law. As we study their history, there is revealed to us one of the greatest peoples, under the guidance of great leaders, exhausting themselves in their efforts that the civilized world might be unified and the stage set for the entrance of Christianity.

"In their conquest we see one of the most stupendous services and in their disintegration one of the most gigantic tragedies which ever befell a great people.

"Everyone knows that the culture of Greece and Rome are gone. They could not be restored; they could not be successfully imitated. What those who advocate their continued study desire to bring about is the endurance of that modern culture which has been the result of a familiarity with the classics of these two great peoples. We do not wish to be Greek; we do not wish to be Roman. We have a great desire to be supremely American. That purpose we know we can accomplish by continuing the process which has made us Americans. We must search out and think the thoughts of those who established our institutions. The education which made them must not be divorced from the education which is to make us. In our efforts to minister to man's material welfare we must not forget to minister to his spiritual welfare. It is not enough to teach men science; the great thing is to teach them how to use science.

"We believe in our Republic. We believe in the principles of democracy. We believe in liberty. We believe in order under the established provisions of law. We believe in the promotion of literature and the arts. We believe in the righteous authority of organized government. We believe in patriotism. These beliefs must be supported and strengthened. They are not to be inquired of for gain and profit, though without them all gain and all profit would pass away. They will not be found in the teachings devoted exclusively to commercialism, though without them commerce would not exist. These are the higher things of life. Their teaching has come to us from the classics. If they are to be maintained, they will find their

support in the institutions of the liberal arts. When we are drawing away from them we are drawing away from the path of security and progress. It is not yet possible that instruction in the classics could be the portion of every American. That opportunity ought to be not diminished but increased. But while every American has not had and may not have that privilege, America has had it. Our leadership has been directed in accordance with these ideals. Our faith is in them still.

"We have seen many periods which tried the soul of our Republic. We shall see many more. There will be times when efforts will be great and profits will vanish. There have been and will be times when the people will be called upon to make great sacrifices for their country. Unless Americans shall continue to live in something more than the present, to be moved by something more than material gains, they will not be able to respond to these requirements, and they will go down as other peoples have gone down before some nation possessed of a greater moral force. The will to endure is not the creation of a moment; it is the result of long training. That will has been our possession up to the present hour. By its exercise we have prospered and brought forth many wonderful works. The object of our education is to continue us in this great power. That power depends on our ideals. The great and unfailing source of that power and these ideals has been the influence of the classics of Greece and Rome. Those who believe in America, in her language, her arts, her literature, and in her science, will seek to perpetuate them by perpetuating the education which has produced them."

EXECUTIVE SESSION.

Mr. CURTIS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session, the doors were reopened.

ADJOURNMENT TO MONDAY.

Mr. CURTIS. I move that the Senate adjourn until Monday next at 12 o'clock.

The motion was agreed to; and (at 3 o'clock and 55 minutes p. m.) the Senate adjourned until Monday, July 11, 1921, at 12 o'clock meridian.

CONFIRMATIONS.

Executive nominations confirmed by the Senate July 8, 1921.

CIVIL SERVICE COMMISSION.

John H. Bartlett to be member Civil Service Commission.

CUSTOMS SERVICE.

Matthew B. Macfarlane to be collector of customs, district No. 18, Tampa, Fla.

HOUSE OF REPRESENTATIVES.

FRIDAY, July 8, 1921.

The House was called to order at 11 o'clock a. m. by Mr. WALSH as Speaker pro tempore.

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

Dear Lord, Thou art such a merciful Heavenly Father that we approach Thee even as a child would come to an earthly parent and ask Thee to breathe upon us Thy blessing most tenderly. May we open our hearts to welcome it even as we would a dear friend who has come to keep us delightful company and make us feel that our labor is worth while. Give us bigness of life and largeness of vision. Grant that the law of justice may be upon our lips and the spirit of kindness in our hearts. We thank Thee for the high joy of living because God wills to have it so and may we continue to learn how blessed it is. In the name of Jesus Christ. Amen.

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

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Craven, one of its clerks, announced that the Senate had passed bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 238. An act to authorize the addition of certain lands to the Humboldt National Forest.

The message also announced that the Senate had passed with amendments bills of the following titles, in which the concurrence of the House of Representatives was requested:

H. R. 4976. An act granting the consent of Congress to the Trumbull Steel Co. to operate a dam across the Mahoning River in the State of Ohio; and

H. R. 6814. An act to authorize the construction of a dam across the Wabash River at Huntington, Ind.

The message also announced that the Senate had passed joint resolution (S. J. Res. 64) for the relief of delinquent homesteaders on the Fort Peck Indian Reservation in Montana, in which the concurrence of the House of Representatives was requested.

SENATE BILLS AND JOINT RESOLUTION REFERRED.

Under clause 2, Rule XXIV, Senate bills and a joint resolution of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 238. An act to authorize the addition of certain lands to the Humboldt National Forest; to the Committee on the Public Lands.

S. J. Res. 64. Joint resolution for the relief of delinquent homesteaders on the Fort Peck Indian Reservation in Montana; to the Committee on Indian Affairs.

S. 926. An act to withhold from sale and to restore to the Indians of Umatilla Reservation certain lands which were authorized to be offered for sale under the act of March 3, 1885; to the Committee on Indian Affairs.

CONFERENCE REPORT—NAVAL APPROPRIATION BILL.

Mr. KELLEY of Michigan. Mr. Speaker, I desire to call up the conference report on H. R. 4803, the naval appropriation bill with Senate amendments.

The SPEAKER pro tempore. The Chair will state that the naval bill with Senate amendments is the unfinished business. The Clerk will report the bill by title.

The Clerk read as follows:

H. R. 4803, entitled "An act making appropriations for the naval service for the fiscal year ending June 30, 1922, and for other purposes."

Mr. KELLEY of Michigan. Mr. Speaker, I call up Senate amendment No. 55.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Page 27, after line 12, insert:

"The Secretary of the Navy is authorized to acquire 1,000 acres, more or less, at or near Camp Kearny, Calif., for a site for a lighter-than-air aviation station and to pay for the same an average price of not exceeding \$100 per acre out of any funds appropriated for aviation purposes."

Mr. KELLEY of Michigan. Mr. Speaker, I move that the House further insist upon its disagreement.

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

Mr. KELLEY of Michigan. I will yield.

Mr. BLANTON. I would like to ask the distinguished gentleman from Michigan—this is the 8th day of July: Where is the Navy Department getting its funds from the 1st of July on up to date?

Mr. KELLEY of Michigan. I imagine they are not spending any.

Mr. SWING. Mr. Speaker, I make a preferential motion to recede and concur in Senate amendment No. 55.

Mr. KELLEY of Michigan. I yield five minutes to the gentleman from California.

Mr. SWING. Mr. Speaker and Members of the House, after yesterday, I can not mistake the temper of the House, nor do I think I mistake the temper of the country, upon the matter of appropriations. But I want to say, first, that this does not carry an appropriation. There is not one dollar of appropriation in this amendment. This is simply an authorization. It simply authorizes the Secretary of the Navy to acquire this land if it seems to him to be to the very best interest of the Navy and of the country. Now, the country is not in a mood to go ahead with great expenditures for the Navy or to put our Navy in a position to carry on, or to threaten to carry on, a war of aggression. That is why the Borah amendment was adopted. On the other hand, the American people desire, and I believe this House, when it acts upon its best judgment, desires those necessary expenditures to safeguard and defend this country. Appropriations looking toward aggression are one thing, but the expenditure of money to guarantee the safety of our people and of our country is entirely another proposition. There is not a man but what wants this country made absolutely safe against outside attack. So here we have a proposition, which is not an appropriation, but merely an authorization of the Secretary of the Navy—he may never use it unless, in his judgment, it is a wise thing to do—to acquire this property out of money which has been appropriated for aviation. Now, it seems to me it is not only not an expenditure but an economy if this thing is to

be done. Camp Kearny has upon it many hundreds of thousands of dollars of improvements at this time. The lease is just now expiring. The Army has an option on behalf of the Government to acquire this land for its purposes. The Army does not desire to acquire it, but the Navy does. If the lease on this land expires, then the lands and improvements go back to private parties, or they will be sold for junk at a few cents on the dollar. The land will be plowed up for agriculture or put to some other purpose, and it will be expensive ever to acquire another piece of land and have to put upon it hundreds of thousands of dollars' worth of improvements which are already here just where they are needed and where we would have to put them if they were not there. In my opinion this is a proposition which the Pacific coast is entitled to have you consider upon its merits. It is requested by the highest naval experts, the General Board. If we are not going to take the judgment of our military experts as to what is necessary in the matter of defense, then whose judgment are we going to take? We do not make a pretense on the floor of this House of knowing what constitutes an adequate defense. We have men appointed whose business it is to know, and we hold them responsible for properly safeguarding our country. If they say that this location is a necessary and proper site for a lighter-than-air station, then we ought to consider that they know what they are talking about.

We have purchased one of these dirigibles. We are building another. The Atlantic coast has received its dirigible site, and it will soon be there to help defend that coast. The Pacific coast is entitled to the other dirigible. That has been agreed upon by all the people who have thought about the matter, and yet we are postponing the proposition of acquiring the site. This is the best site, is cheaper than any other that could be given to us, for we would have to put the improvements on any other. The Army and the Navy both agree that as to the matter of adequate defense of the Pacific coast it is behind the Atlantic coast in a ratio of 1 to 4. And so I say, in view of the fact that it does not call for a dollar of appropriation, and in view of the fact that it has been passed by the Navy General Board and by the joint committee of the House and Senate, which has unanimously reported in favor of it after investigation, we ought to take the word of these men who have investigated it and know what it is. We ought to agree to this Senate amendment and acquire the site. [Applause.]

Mr. KELLEY of Michigan. Mr. Speaker, I yield two minutes to the gentleman from Pennsylvania [Mr. BUTLER].

Mr. BUTLER. Mr. Speaker, I wish the gentleman from Michigan [Mr. KELLEY] would hereafter do his own fighting. I want the House to postpone this until we can at least have a picture of it. I have talked with the gentleman from California, and, without disclosing what the conversation was, I will say that we agreed. We will have before us all the different items of appropriation to be made; we will have the estimates which have been submitted. Gentlemen will remember this, as I said the other day, we have already had handed to us a field that will cost the Government five to six million dollars that we expected to get for \$1,000,000. We do not want another field within a few miles of that. [Applause.]

Mr. KELLEY of Michigan. Mr. Speaker, I ask for a vote.

The SPEAKER pro tempore. The question is on the motion of the gentleman from California to recede and concur.

The question was taken, and the Speaker pro tempore announced that the yeas seemed to have it.

Mr. OSBORNE. Mr. Speaker, I ask for a division.

The House divided; and there were—ayes 7, noes 47.

So the motion to recede and concur was rejected.

The SPEAKER pro tempore. The question now comes on the motion of the gentleman from Michigan [Mr. KELLEY], that the House further insist on its disagreement to Senate amendment No. 55.

The motion was agreed to.

Mr. KELLEY of Michigan. Mr. Speaker, I call up amendment No. 97.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Amendment No. 97. Page 54, line 20, after the word "otherwise," insert a colon and "Provided, That all orders or contracts for work or material, under authorization of law heretofore or hereafter placed with Government-owned establishments, shall be considered as obligations in the same manner as provided for similar orders placed with private contractors, and appropriations for such work or material shall remain available for payment therefor as in the case of contracts or orders with private contractors."

Mr. KELLEY of Michigan. Mr. Speaker, I move that the House further insist on its disagreement.

Mr. HULL. Will the gentleman yield for a preferential motion?

Mr. KELLEY of Michigan. I will.

Mr. HULL. I move that the House recede and concur in Senate amendment No. 97.

The SPEAKER pro tempore. The gentleman from Iowa offers a preferential motion that the House recede and concur.

Mr. KELLEY of Michigan. Mr. Speaker, I yield five minutes to the gentleman from Iowa [Mr. HULL].

Mr. HULL. Mr. Speaker and gentlemen of the House, the amendment we are discussing will make for economy in Government operation of the Navy. Of that there can be no dispute. You must consider the amendment in connection with that which precedes it in the bill. This is the clause to which I refer:

And that no part of the moneys appropriated in each or any section of this act shall be used or expended for the purchase or acquirement of any article or articles that at the time of the proposed acquirement can be manufactured or produced in each or any of the Government navy yards of the United States, when time and facilities permit, for a sum less than it can be purchased or acquired otherwise.

Let us add to this the amendment we are now considering:

That all orders or contracts for work or material, under authorization of law heretofore or hereafter placed with Government-owned establishments, shall be considered as obligations in the same manner as provided for similar orders placed with private contractors, and appropriations for such work or material shall remain available for payment therefor as in the case of contracts or orders with private contractors.

In other words, the section already in this bill provides for the manufacture of naval requirements by the United States Government, provided they can be manufactured as economically as they can be purchased from private contractors.

The second clause, or the one we are now discussing, makes it possible to operate the navy yards in an economical manner or carries out and fulfills the objects in the first paragraph. If we are to operate our navy yards on a businesslike basis, we must do business in the same manner as a private firm or corporation would undertake to do the same work. If the Government would attempt to let contracts to a corporation and would include therein a clause which stated that if the work were not completed by July 1 of that year no money would be available, few contracts would be awarded. That, however, is just what we are doing with the navy yards. Unless this clause is included in the bill, our navy yards will be handicapped as usual in producing the supplies that are absolutely necessary, and the omission of this clause is placing a premium on extravagance and penalizing economy. The Secretary of the Navy understands the handicap that his department has been working under without this clause, and his opinion as to what we should do is expressed in the following letter to Senator LODGE:

MAY 9, 1921.

MY DEAR SENATOR: The annual appropriations for maintenance of the Navy must be expended within the period covered by the appropriation, except that orders or contracts for the manufacture and delivery of material, when placed with commercial establishments, are chargeable, after delivery of the material and its acceptance, to the appropriation of the year within which the contract is made. This is necessary, because payments can be made only upon delivery of material satisfying specifications, and unless such a provision exists a deficiency might be created in the year succeeding that in which the contract was placed. Other good reasons for this procedure could also be given if it were deemed necessary to explain to you a well-established principle governing the annual appropriations.

Mr. DARROW, Representative from Pennsylvania, introduced in the House of Representatives an amendment to the naval appropriation bill as follows:

"Provided, That all orders or contracts for the manufacture of material pertaining to approved projects for the Navy heretofore or hereafter placed with Government-owned establishments shall be considered as obligations in the same manner as provided for similar orders placed with commercial manufacturers, and the appropriations shall remain available for the payment of the obligations so created as in the case of contracts or orders placed by the Navy Department with commercial manufacturers."

Under this amendment it would have been quite possible to charge work performed at Government-owned plants to the appropriation for the year in which the order was placed. At present work at Government-owned plants is always paid for during the year in which the work was accomplished. From the department's point of view, the suggested amendment would make it possible to save money under certain circumstances and would not allow any increase in expenditure, and it is not seen how any increase in expenditure could be authorized by the provisions of the amendment.

Mr. DARROW in the House of Representatives cited an instance where the Bureau of Ordnance was unable to place an order with the navy yard, Washington, for certain 14-inch shell, because the delivery of these shells would extend over a period of 13 months and the cost of them would be a drain upon the ordnance appropriations for the coming year. As a result of this condition, an order for these shells was placed with private manufacturers at a price higher than the estimated cost if the shells had been manufactured at the navy yard, Washington. A similar instance occurred in the case of the conversion of the collier *Jupiter* into the airplane carrier *Langley*. Certain of the work was ordered by contract at a cost of several hundred thousands of dollars instead of being ordered completed at the navy yard. Whether or not the navy yard could have accomplished the work that is being done by contract at a decreased price, the authority to order this work at the navy yard would undoubtedly have expedited by several months the readiness of the *Langley* for service as an airplane

carrier. The additional difficulty introduced by the necessity of coordinating the work of the private contractor with that at the navy yard delayed the completion of the whole project. Perhaps a better job, and certainly a quicker one, would have been accomplished had it been practicable to order the navy yard to accomplish the entire project. This was impracticable in view of the lack of such a provision of law as would be provided if the proposed amendment were adopted.

In short, from the point of view of the department, the intent of the proposed amendment is to save money for the Government and to expedite work.

Sincerely, yours,

Hon. H. C. LODGE,
United States Senate, Washington, D. C.

EDWIN DENBY.

You will note he calls attention to two instances where Government funds were uselessly expended because this clause had not been included in any appropriation bill. These instances can be duplicated many times, and it is no exaggeration to say that the omission of such a law has cost the Government of the United States millions of dollars. If anyone can advise me why we should continue this useless extravagance I should be very glad to hear from them. I realize that some of the gentlemen who are opposed to this clause insist that it continues an appropriation indefinitely. Let me suggest to you, however, that it does nothing more than we are doing daily with the private manufacturers who secure contracts from the Government. When we make a contract with a corporation for naval supplies we bind ourselves to pay for what we have contracted, and the agreement does not expire on June 30 of each year. Why should we handicap the Government? Why should we refuse something to our own navy yards that we give to outside corporations?

Mr. KRAUS. Will the gentleman yield?

Mr. HULL. Yes.

Mr. KRAUS. When the private manufacturer makes a contract he has a time limit within which to perform?

Mr. HULL. Yes.

Mr. KRAUS. While when an order is placed with a navy yard there is no time limit. And therefore the situations are not similar.

Mr. HULL. The situation is simply this: That toward the close of a fiscal year an order can not be placed with a navy yard under the present law, because it would be impossible for a department to complete its work by the close of that year, and under the present law no appropriation can extend beyond that time. When a contract is let to a private corporation, sufficient time is given him to complete the contract and no impossible demand is made. With the navy yards it is. Now, this amendment does not give any advantage to the Government over the private corporation, for it expressly says that the money shall be continued the same as with private contractors. Can there be any objection to placing our Navy yards on an equal basis with our manufacturing interests? Is there any reason why we should prefer the private contractor to the common people who pay the money by which our navy yards are operated? Is there any reason why we should not spend the Government money as economically as we spend our own?

Mr. McKENZIE. Will the gentleman yield?

Mr. HULL. Yes.

Mr. McKENZIE. Can the gentleman from Iowa tell the committee whence comes the demand for this legislation?

Mr. HULL. It comes from the Navy Department. I offered the amendment, or a similar one, when the Navy bill came before the House for passage at the time the request was made as to the opinion of the navy yards in regard to the amendment. A letter from the honorable Mr. Denby, the Secretary of the Navy, which I have quoted above, is an answer to this question.

Mr. CONNELL. It says that payment shall not be made provided the work can be done in our own navy yards when time and facilities permit.

Mr. HULL. Yes.

Mr. CONNELL. Does not that phrase cover a multitude of sins?

Mr. HULL. Certainly.

Mr. CONNELL. If the time will not permit, that will not increase the appropriation.

Mr. HULL. I do not desire to discuss that feature. A similar clause is included in the Army bill. I believe I was instrumental in having it inserted some three years ago, and it has been included in the Army bill ever since. After it was written in the Army bill it was made a permanent law in the last Army reorganization bill. No valid objection can be made or ever has been made against it. It has proven to be one of the most economical clauses that has ever been written into the Army appropriation bill.

Mr. MILLER. Mr. Speaker, will the gentleman yield?

Mr. HULL. Yes.

Mr. MILLER. This amendment is simply to prohibit a discrimination against Government enterprises, is it not?

Mr. HULL. Yes. Its sole object is to make the money appropriated by the Government available for the use in navy yards equally the same as with private contractors. In these two bills we are appropriating over \$200,000,000 which will go to private manufacturers for purpose of making war, and the American people are opposed to private contractors making profits out of war material when the Government can manufacture the same.

Mr. VARE. Mr. Speaker, will the gentleman yield?

Mr. HULL. Yes.

Mr. VARE. As I understand this proposition, this simply puts our Government navy yards on the same footing with private capital?

Mr. HULL. Yes; and it so states in the amendment.

The SPEAKER pro tempore. The time of the gentleman from Iowa has expired.

Mr. HULL. Mr. Speaker, I ask for five additional minutes.

Mr. KELLEY of Michigan. I yield to the gentleman five additional minutes.

The SPEAKER pro tempore. The gentleman from Iowa is recognized for five additional minutes.

Mr. LAYTON. Mr. Speaker, will the gentleman yield?

Mr. HULL. Yes; I will yield for a brief question.

Mr. LAYTON. Does not the gentleman think the Government ought to go out of business anyhow?

Mr. HULL. Absolutely no. Not in the manufacture of munitions of war. Nor does the American people want it to go out of business.

Mr. ANDREWS. Mr. Speaker, will the gentleman yield right here?

Mr. HULL. Yes.

Mr. ANDREWS. I have a question that I would like to have you answer. If an appropriation is made for a private contract and the contract is drawn, the appropriation may be bound for an indefinite period of time, may it not, for the completion of that contract?

Mr. HULL. Yes; but it can not be in contracts in the navy yards.

Mr. ANDREWS. I mean to say, does not the contract bind the appropriation until the term of the contract expires in point of time?

Mr. HULL. If it is made with a private manufacturer, yes.

Mr. ANDREWS. Now, then, if you give the same privilege to a Government establishment, you virtually annihilate the fiscal year and allow them to use the annual appropriation for five years.

Mr. HULL. For the manufacture of munitions of war in Government yards that is true. Now, I must refuse to yield further as I want to read a statement of Senator POINDEXTER on this matter which explains the situation. It is in answer to a query from Senator KING, as follows:

Mr. KING. I should like to have some explanation from the Senator regarding the purpose of the amendment. The matter was up the other day. It seems to me that the amendment gives to the Government yards a great advantage over contractors. I do not know that I should oppose that if it results in benefit; indeed, I should not oppose it if it results in benefit to the Government.

Mr. POINDEXTER. I am sure it will not have that effect. I do not think I would favor giving any advantage to Government yards over private yards in bidding for Government work. On the contrary, the effect of the amendment would be to put the Government yards and private yards on the same basis in the respects referred to in the amendment proposed. By the existing law, where a contract is made by the Navy Department with private yards under an appropriation made by Congress, that appropriation is available to pay for the contract until the work is completed, even though it should extend over the fiscal year; but with a Government yard if the work extends beyond the fiscal year for which the appropriation is made the money is not available.

The consequence is that in many cases Government yards can not bid and contracts can not be let to Government yards because the work obviously can not be completed within the fiscal year. The result is that in some instances which have been called to my attention, even though Government yards, such as the navy yard here in Washington, make a considerably lower bid, the contract has to be let to a private yard. The effect of the amendment would be to enable the department, in the interest of economy, to take advantage of the lower bid of a Government yard and put it on the same basis as a private yard.

You will see, therefore, that the only object in this entire amendment is to place our navy yards only on an equal footing with private contractors. In other words, it simply provides that the money of the people shall be expended as economically as possible, and the private corporation should have no advantage over the navy yards, which is an advantage over the people of the United States. In conclusion, I wish to read a letter from Mr. Charles B. McVay, jr., which was written to Mr. DARROW. I think it illuminates the situation very vividly and is an excellent argument in favor of the clause. It is as follows:

NAVY DEPARTMENT,
BUREAU OF ORDNANCE,
Washington, D. C., April 21, 1921.

MY DEAR MR. DARROW: Your letter of April 20 requesting information concerning the award of contract for 14-inch and 16-inch proof shot has been received.

While the navy yard was the low bidder on 14-inch proof shot only, the time of delivery, 13 months, rendered it impossible to give even that part of the order to the yard, because it would have necessitated using next year's money, which is going to be very scarce. Money is available from this year's current appropriation, "Ordnance and ordnance stores," and can only be used after July 1 if obligated by contract prior to that date. Placing an order with a navy yard is not "obligating" it under law, though such is the case with Army appropriations.

I think that the employees of the navy yard who called on you have already been informed regarding this matter, and am sorry that they took up your time unnecessarily. I am always glad to furnish information and hope you will not hesitate to call upon me. As a former commandant, I am greatly interested in the employees of the Washington Navy Yard, who form a very efficient body.

Very sincerely, yours,

CHAS. B. MCVAY, JR.,
Rear Admiral, United States Navy,
Chief of the Bureau of Ordnance.

Hon. G. P. DARROW, M. C.,
Committee on Naval Affairs,
House of Representatives, Washington, D. C.

The SPEAKER pro tempore. The time of the gentleman from Iowa has again expired.

Mr. KELLEY of Michigan. Mr. Speaker, I yield two minutes to the gentleman from Illinois [Mr. MADDEN].

The SPEAKER pro tempore. The gentleman from Illinois is recognized for two minutes.

Mr. MADDEN. Mr. Speaker, the proposal of the gentleman from Iowa [Mr. HULL] would be unfortunate if adopted. In the first place, contract obligations must be carried out. The obligation is definite and certain when it is made. In the next place, we make appropriations for navy yards for fiscal years, and they are at liberty to use every dollar of the appropriation during the year. If they do not use it we make a new appropriation, beginning with the next fiscal year. If we do what the gentleman from Iowa proposes we not only make a new appropriation but we also make an indefinite appropriation of the amount that is left over, so that there is no chance for the Government or the taxpayer under the proposal made by the gentleman from Iowa, none whatever. [Applause.]

There is quite a difference between a contract and an open blanket proposition to spend what money you please. When the Government makes a contract, of course it obligates itself to pay the amount of the contract, and the amount is definitely set forth. When the Government does what the gentleman from Iowa proposes nobody knows what the obligation is, and appropriations are not only made but duplicated. He proposes to make an indefinite continuous appropriation to do the thing for which we expect to make definite and limited appropriations.

That is the difference between the two propositions. It would be idiotic, it would be criminal, to adopt this amendment. It ought not to be adopted. The people of America should look forward to some system in the conduct of the business of the Nation. I hope the membership of the House will see the wisdom of voting down the amendment of the gentleman from Iowa. [Applause.]

The SPEAKER pro tempore. The time of the gentleman from Illinois has expired.

Mr. KELLEY of Michigan. Mr. Speaker, I yield three minutes to the gentleman from California [Mr. NOLAN].

The SPEAKER pro tempore. The gentleman from California is recognized for three minutes.

Mr. NOLAN. Mr. Speaker and gentlemen of the House, the gentleman from Illinois [Mr. MADDEN] has not exactly stated the facts in connection with this amendment. This specifically applies to all orders or contracts for work or material in the navy yards. It does not mean appropriations, except appropriations for the navy yards under which contracts are made with the navy yards, and it does not apply to all appropriations for the Naval Establishment. If it is right and proper to give a navy yard or any other Government establishment the right to contract with the Government of the United States or to put a price upon a certain particular piece of work or upon a certain project, it is right and proper for the Government of the United States to give to that navy yard the same consideration that it will give to a private contractor. That is all that this provision contains.

Mr. MILLER. To give a square deal.

Mr. NOLAN. To give them the same opportunity to carry on their work and to have the appropriation for it continuing, that a private contractor can have, to give them an opportunity to compete. If you want to drive them out of business then defeat this proposition. If you want to drive them out of business close up the navy yards. Some of the gentlemen who are

opposed to this proposition would rather close up all our Government establishments. They are not in favor of having them do any work. But if you want to keep your navy yards going and give them the same sort of deal that you give to private contractors in the matter of contracts you ought to adopt the Senate amendment. It is fair and square, and it is in the interest of the people of this country, and it ought to be adopted by this House. [Applause.]

Mr. KELLEY of Michigan. I yield five minutes to the gentleman from Wyoming [Mr. MONDELL].

Mr. MONDELL. Mr. Speaker, this is a very important proposition. I sincerely hope that this House will not be carried off its feet and inclined to adopt so important a legislative matter as this in the very brief time which we now have for its consideration. What does it propose to do? It proposes a plan under which, in the future, you would not know whether any navy yard or Government establishment under the Navy had available appropriations carried in the bill or ten times those appropriations. It proposes a plan under which a navy yard or other Naval Establishment might have ten or one hundred different fragments of appropriations left unused and available, a plan under which in the running of the years there would be such a confusion and congestion of unexecuted orders that nobody could tell how much was available for expenditure in any large navy yard or Naval Establishment by tens or hundreds of thousands of dollars.

Mr. HULL. Will the gentleman yield?

Mr. MONDELL. I have only a little time. The gentleman urges, I assume, that this will be helpful to the men in the navy yards. That will not necessarily or probably follow. We are running the navy yards for the benefit of the people of the United States and for the benefit of the Navy, and not primarily to give men employment. We do give men employment. We are glad to do so, and for one I am in favor of doing most of the work for the Navy in Government establishments; but I am not in favor of a plan under which, on the last day of the fiscal year, the commandant of a navy yard, or any Government establishment, could issue an order—not a contract but an order, pencil written—directed to himself, ordering himself to make, build, finish, equip, or provide enough articles, tools, implements, or material of the kinds and sorts produced or fabricated by the yard or establishment to use the tail and tag end of every appropriation that had not been fully utilized. And the next day he could cancel all those orders. It would not be necessary to make, produce, or provide any such article. It would not be necessary to employ a man to make or finish them. These orders might be left hanging in the air indefinitely. There would be great pressure on the officer in charge to issue such order, but this issuance might produce nothing but confusion.

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

Mr. MONDELL. If I have time.

Mr. NOLAN. Will not the new budget system which we have established prevent the abuses which the gentleman refers to?

Mr. MONDELL. I do not know how the budget system could reach it. They would be able to do exactly the thing I describe, because the amendment specifically provides that all orders—pencil-written orders—

Mr. NOLAN. I am talking about abuses.

Mr. MONDELL. I fear there would not be anything but abuses. It would not, in my opinion, be helpful to the men in the navy yards. It would be detrimental to the public interest to a degree that no man's imagination can measure.

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

Mr. MONDELL. I yield to the gentleman from Iowa.

Mr. HULL. This same provision is in the Army bill and has been there for three years. It is permanent law.

Mr. MONDELL. So much the worse for the Army, then. Let us stop it so far as the Navy is concerned.

Mr. HULL. Can the gentleman point to an instance where it has cost the Government any money? I pointed to one instance where the other method cost the Government over \$100,000.

Mr. MONDELL. When the gentleman says that because appropriations for navy yards lapse at the end of the fiscal year therefore it has been necessary to give a contract to somebody at an increased price, he is not accurate. If there is a commandant of a navy yard who is so without regard for the interest of the Government that he has done what the gentleman suggests, he ought to be discharged from the service in dishonor. [Applause.] If that has ever been done, the man who did it ought to be cashiered, deprived of his shoulder straps, and driven from the service.

Mr. HULL. It is done right along.

Mr. MONDELL. Because if any article is needed for the Army or the Navy the Congress will provide for it; but in

Heaven's name do not let us adopt this mischievous, extravagant plan, under which nobody would know how much was available for Government establishments.

Mr. OLIVER. Will the gentleman yield?

Mr. MONDELL. Yes.

Mr. OLIVER. Since this is the beginning of the fiscal year and the legislative committee has to consider many other matters, why not let us consider this proposition and report it with the others?

Mr. MONDELL. The legislative committee ought to consider it and, if it has merit, report it out. I do not think it has merit.

Mr. HULL. I would like to know why the Naval Committee has not reported it long ago. That committee had an opportunity to save money, but they have not done it.

Mr. MONDELL. The chairman of the Naval Committee informs me that there is no bill pending before his committee containing a proposition of this kind.

Mr. BUTLER. Will the gentleman from Michigan yield to me?

Mr. KELLEY of Michigan. Yes.

Mr. BUTLER. I want to say that the first I ever heard of it was yesterday. Our committee can examine the matter immediately and see how far it goes. I am not opposed to saving money, but I want to know what the effect will be.

Mr. KELLEY of Michigan. Mr. Speaker, I yield three minutes to the gentleman from Indiana [Mr. Wood].

Mr. WOOD of Indiana. Mr. Speaker, this amendment should be rejected for many reasons. In the first place, it has not even been asked for by anybody representing the Navy Department. It has not been considered by any committee nor suggested to any committee by any individual representing the Navy Department. It was not proposed when the naval bill was before the Naval Appropriations Committee. It was not proposed before the Naval Committee at the other end of the Capitol during the hearings that they had. It was put in as an amendment on the floor of the Senate, without consideration from anyone from any source. The possible consequences of this proposition have been detailed by the gentleman from Wyoming, and we can not foretell the abuses which may be entailed by it. Do not deceive yourselves that it only applies to the present appropriation. If you read it, you will see that the amendment is permanent law and will control throughout the future until it is repealed. The gentleman from Iowa points to the fact that there has been a similar provision in the Army bill for the last three years, and that no abuses have been heard from.

I wish I had a letter here which I received this morning pointing out some of the abuses that have come to the War Department by reason of this same proposal, which was unfortunate in the law in that department. It can result in nothing else but abuse, and if you give an opportunity for the expenditure of money immediately prior to the close of the fiscal year it will be expended when it should not be expended. It has been the practice for years both in the Army and the Navy in order that their appropriations for the next fiscal year may not be limited to let all kinds of contracts for the purpose of getting rid of the remainder of the appropriation before the end of the year. They are doing it now under the provision you have in the Army bill. This proposition should receive the most careful consideration by the legislative committee and an opportunity given it to inquire and determine whether this should be permanent law.

Mr. HULL. They do that now with private concerns and private contractors who are making money out of manufacturing munitions of war.

Mr. WOOD of Indiana. No; I am speaking of the abuses practiced by the Army.

Mr. HULL. The Navy has no halo about it in the expenditure of money with private contractors.

Mr. WOOD of Indiana. We do not propose to give them a further opportunity to be more wasteful than they are now.

Mr. KELLEY of Michigan. Mr. Speaker, I think enough has been said to indicate that a very serious consideration should be given this proposition by a proper committee of the House. I think it would be a mistake to enlarge in any way the practice of continuing the appropriations beyond the fiscal year. There ought to be a settled policy, and it should be carried to the very limit, in my judgment, of a complete settlement with every department at the end of the fiscal year, so that Congress may know exactly how much funds are available for any particular purpose. This amendment would permit the Navy Department to enter into a sort of contract with itself which would tie up funds for two years beyond the period of the appropriation. I think it would be questionable, particularly

without more information than the House has at the present time.

The SPEAKER pro tempore. The question is on the motion of the gentleman from Iowa that the House recede and concur in Senate amendment 97.

The question was taken; and on a division (demanded by Mr. HULL) there were 17 ayes and 91 noes.

Mr. NOLAN. Mr. Speaker, I make the point that no quorum is present.

Mr. HUDDLESTON. Mr. Speaker, I object to the vote, on the ground that no quorum is present.

The SPEAKER pro tempore. Evidently there is no quorum present. The Doorkeeper will close the doors, the Sergeant at Arms will notify absentees, and the Clerk will call the roll.

The question was taken; and there were—yeas 54, nays 252, not voting 123, as follows:

YEAS—54.

Almon	Dupré	Klecza	Patterson, Mo.
Barbour	Elston	Kopp	Ransley
Beck	Favrot	Lampert	Rhodes
Bland, Ind.	Focht	Lankford	Sinclair
Browne, Wis.	Free	Lineberger	Smithwick
Carew	Gensman	London	Summers, Wash.
Cockran	Hadley	McLaughlin, Pa.	Swing
Connolly, Pa.	Hawley	Miller	Ten Eyck
Cooper, Wis.	Huddleston	Nolan	Towner
Crowther	Hukriede	Norton	Vare
Cullen	Hull	O'Brien	Voigt
Curry	Johnson, Wash.	O'Connor	Zihlman
Darrow	Kahn	Osborne	
Dowell	Keller	Overstreet	

NAYS—252.

Ackerman	Elliot	Lazaro	Reed, N. Y.
Anderson	Ellis	Lea, Calif.	Ricketts
Andrews	Evans	Leatherwood	Roach
Appleby	Fairchild	Leibach	Robertson
Arentz	Fairfield	Linthicum	Rodenberg
Aswell	Faust	Logan	Rose
Atkeson	Fess	Longworth	Rosenbloom
Bacharach	Fields	Lowrey	Rossdale
Barkley	Fish	Luce	Sabath
Beedy	Fitzgerald	Luhning	Sanders, Ind.
Begg	Flood	Lyon	Sanders, N. Y.
Benham	Fordney	McArthur	Sanders, Tex.
Bird	Foster	McClintic	Sandlin
Black	French	McCormick	Schall
Blakeney	Frothingham	McDuffie	Scott, Mich.
Bland, Va.	Fuller	McEadden	Scott, Tenn.
Blanton	Fulmer	McKenzie	Shaw
Boles	Garner	McLaughlin, Mich.	Shelton
Bowers	Garrett, Tenn.	McLaughlin, Nebr.	Sisson
Bowling	Garrett, Tex.	McPherson	Smith
Box	Gerhard	MacGregor	Snell
Brand	Gilbert	Madden	Speaks
Brennan	Glynn	Magee	Sprout
Briggs	Goldsbrough	Mann	Steagall
Brinson	Goodykoontz	Mansfield	Stedman
Brooks, Ill.	Gorman	Mapes	Steenerson
Brooks, Pa.	Graham, Ill.	Martin	Stephens
Brown, Tenn.	Griest	Merritt	Stoll
Buchanan	Hardy, Colo.	Michaelson	Strong, Kans.
Bulwinkle	Hardy, Tex.	Michener	Swank
Burtness	Harrison	Mills	Sweet
Burton	Haugen	Millspaugh	Taylor, N. J.
Butler	Herrick	Mondell	Temple
Byrns, Tenn.	Hersey	Montague	Tillman
Cable	Hickey	Montoya	Tilson
Campbell, Kans.	Hill	Moore, Ill.	Timberlake
Campbell, Pa.	Hoch	Moore, Va.	Tincher
Carier	Humphreys	Moore, Ind.	Treadway
Chalmers	Ireland	Nelson, J. M.	Tyson
Chandler, N. Y.	Jacoway	Newton, Minn.	Underhill
Chindblom	James, Mich.	Newton, Mo.	Vestal
Christopherson	James, Va.	Ogden	Vinson
Clague	Jeffers, Nebr.	Oldfield	Volstead
Clarke, N. Y.	Jeffers, Ala.	Oliver	Walsh
Classon	Johnson, Ky.	Olpp	Walters
Clouse	Jones, Tex.	Park, Ga.	Ward, N. C.
Cole	Kearns	Parker, N. J.	Watson
Collier	Kelley, Mich.	Parks, Ark.	Weaver
Collins	Kelly, Pa.	Parrish	Webster
Colton	Ketcham	Patterson, N. J.	Wheeler
Connell	Kincheloe	Peters	White, Kans.
Copley	King	Petersen	White, Me.
Coughlin	Kinkaid	Pou	Williams
Davis, Minn.	Kissel	Pringle	Williamson
Davis, Tenn.	Kline, Pa.	Purnell	Wilson
Denison	Knutson	Quin	Wingo
Dickinson	Kraus	Radcliffe	Wood, Ind.
Doughton	Kunz	Rainey, Ala.	Woodruff
Drane	Lanham	Raker	Woods, Va.
Drewry	Larsen, Ga.	Rankin	Wright
Dunbar	Larson, Minn.	Rayburn	Wurzbach
Dyer	Lawrence	Reavis	Yates
Echols	Layton	Reece	Young

NOT VOTING—123.

Ansorge	Burke	Connally, Tex.	Dominick
Anthony	Burroughs	Cooper, Ohio	Driver
Bankhead	Byrnes, S. C.	Cramton	Dunn
Bell	Cannon	Crisp	Edmonds
Bixler	Cantrill	Dale	Fenn
Bond	Chandler, Okla.	Dallinger	Fisher
Britten	Clark, Fla.	Deal	Frear
Burdick	Codd	Dempsey	Freeman

Funk	Kendall	Padgett	Stafford
Gahn	Kennedy	Paige	Stevenson
Gallivan	Kless	Parker, N. Y.	Stiness
Gould	Kindred	Perkins	Strong, Pa.
Graham, Pa.	Kirkpatrick	Perlman	Sullivan
Green, Iowa.	Kitchin	Porter	Summers, Tex.
Greene, Mass.	Kline, N. Y.	Rainey, Ill.	Tague
Greene, Vt.	Knight	Ramseyer	Taylor, Ark.
Griffin	Kreider	Reber	Taylor, Colo.
Hammer	Langley	Reed, W. Va.	Taylor, Tenn.
Hawes	Lee, Ga.	Riddick	Thomas
Hayden	Lee, N. Y.	Riordan	Thompson
Hays	Little	Robison	Tinkham
Hicks	McSwain	Rogers	Upshaw
Himes	Maloney	Rouse	Vaile
Hogan	Mead	Rucker	Volk
Houghton	Moore, Ohio	Ryan	Ward, N. Y.
Hudspeth	Morgan	Sears	Wason
Husted	Morin	Shreve	Winslow
Hutchinson	Mott	Siegel	Wise
Johnson, Miss.	Mudd	Sinnett	Woodyard
Johnson, S. Dak.	Murphy	Slemp	Wyant
Jones, Pa.	Nelson, A. P.	Snyder	

So the motion was rejected.

The Clerk announced the following pairs:

Until further notice:

Mr. JOHNSON of South Dakota with Mr. KITCHIN.

Mr. CANNON with Mr. BELL.

Mr. A. P. NELSON with Mr. RIORDAN.

Mr. WASON with Mr. FISHER.

Mr. BURROUGHS with Mr. CRISP.

Mr. STINESS with Mr. HUDSPETH.

Mr. VOLK with Mr. SEARS.

Mr. LANGLEY with Mr. CLARK of Florida.

Mr. ANTHONY with Mr. CONNALLY of Texas.

Mr. REBER with Mr. DOMINICK.

Mr. THOMPSON with Mr. HAYDEN.

Mr. HOUGHTON with Mr. GRIFFIN.

Mr. PERLMAN with Mr. CANTRILL.

Mr. COOPER of Ohio with Mr. MEAD.

Mr. GAHN with Mr. KINDRED.

Mr. KREIDER with Mr. DEAL.

Mr. WINSLOW with Mr. BYRNES of South Carolina.

Mr. HAYS with Mr. HAWES.

Mr. HUTCHINSON with Mr. THOMAS.

Mr. SIEGEL with Mr. HAMMER.

Mr. KIESS with Mr. JOHNSON of Mississippi.

Mr. BIXLER with Mr. TAGUE.

Mr. DALE with Mr. MCSWAIN.

Mr. DALLINGER with Mr. SUMMERS of Texas.

Mr. HICKS with Mr. TAYLOR of Colorado.

Mr. HOGAN with Mr. PADGETT.

Mr. PERKINS with Mr. LEE of Georgia.

Mr. WYANT with Mr. TAYLOR of Arkansas.

Mr. GREENE of Massachusetts with Mr. DRIVER.

Mr. CHANDLER of Oklahoma with Mr. WISE.

Mr. SHREVE with Mr. STEVENSON.

Mr. MOORE of Ohio with Mr. RAINEY of Illinois.

Mr. PAIGE with Mr. GALLIVAN.

Mr. MALONEY with Mr. SULLIVAN.

Mr. GRAHAM of Pennsylvania with Mr. UPSHAW.

Mr. VAILE with Mr. RUCKER.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question now recurs upon the motion of the gentleman from Michigan that the House further insist upon its disagreement to Senate amendment No. 97.

The motion was agreed to.

Mr. KELLEY of Michigan. Mr. Speaker, I offer the following motion which I send to the desk and ask to have read.

The Clerk read as follows:

Mr. KELLEY of Michigan moves to insist on the amendment of the House to Senate amendment No. 107 and to further insist upon the disagreement of the House to the remaining Senate amendments Nos. 16, 18, 46, 71, 96, 108, and 112.

The SPEAKER pro tempore. The question is on the motion of the gentleman from Michigan that the House insist upon its amendment to Senate amendment No. 107, and to further insist upon its disagreement to the remaining Senate amendments enumerated.

The motion was agreed to.

Mr. KELLEY of Michigan. Mr. Speaker, I move that the House agree to the conference asked by the Senate.

The motion was agreed to.

The SPEAKER pro tempore. If there be no objection, the Chair will appoint the conferees.

There was no objection.

The SPEAKER appointed the following conferees:

Mr. KELLEY of Michigan, Mr. FRENCH, Mr. WOOD of Indiana, Mr. BYRNES of South Carolina, and Mr. OLIVER.

EXTENSION OF REMARKS.

Mr. HULL. Mr. Speaker, I ask unanimous consent to extend and revise my remarks in the RECORD.

The SPEAKER pro tempore. Is there objection?
There was no objection.

GEORGE JENISON.

Mr. TREADWAY. Mr. Speaker, I ask unanimous consent to address the House for one minute.

The SPEAKER pro tempore. The gentleman from Massachusetts asks unanimous consent to address the House for one minute. Is there objection?

There was no objection.

Mr. TREADWAY. Mr. Speaker, on yesterday occurred the funeral at East Chatham, N. Y., of George Jenison. George Jenison was appointed a messenger in the Fifty-first Congress, and for over 33 years faithfully performed his duties. He served on the lobby door opposite the Committee on Appropriations. His first appointment came through Gen. Ketcham, of New York, and later on Mr. Sherman, then a Member of Congress from New York and later the Vice President of the United States, continued his position. Mr. Sherman was always much interested in Mr. Jenison. He was ever courteous and personally popular with the entire membership.

I think when a man serves faithfully in such a position as that for over a quarter of a century we very well may pause for a moment to show a proper respect for his memory. Certainly no employee of this House ever more deserved the encomium of "Well done, good and faithful servant, enter thou into the joy of thy Lord." [Applause.]

ANTI-PROHIBITION ACTIVITIES.

Mr. HILL. Mr. Speaker, I ask unanimous consent to address the House for three-quarters of a minute.

The SPEAKER pro tempore. The gentleman from Maryland asks unanimous consent to address the House for 45 seconds. Is there objection?

There was no objection.

Mr. HILL. Mr. Speaker, I understand that yesterday morning while I was entertaining a constituent in the gallery a reference was made to my patriotic activities upon last Independence Day. I therefore ask unanimous consent that I may include in my remarks an editorial from the Baltimore Sun, sometimes considered Democratic; but I ask that this editorial go in as a nonpartisan view of my conduct on Independence Day. I hope, as a matter of personal privilege, that the House will grant me this right.

The SPEAKER pro tempore. The time of the gentleman from Maryland has expired. The gentleman from Maryland asks unanimous consent to extend his remarks in the RECORD by inserting therein the editorial referred to. Is there objection?

Mr. BLANTON. Mr. Speaker, reserving the right to object, and I shall not object provided the gentleman from Maryland will accompany that editorial with the accounts of his parade in the Baltimore American and Sun, issue of the 5th day of July, 1921, giving an account of his being mounted on a milk-white charger marching at the head of 372 jaded prohibition protestors.

Mr. JOHNSON of Washington. Mr. Speaker, I object to this whole proceeding.

Mr. MCARTHUR. Mr. Speaker, I demand the regular order. The SPEAKER pro tempore. Objection is heard.

DAM ACROSS WABASH RIVER, HUNTINGTON, IND.

Mr. KRAUS. Mr. Speaker, I call up from the Speaker's table the bill H. R. 6814, to authorize the construction of a dam across the Wabash River at Huntington, Ind., with Senate amendments thereto, and move that the House concur in the Senate amendments.

The SPEAKER pro tempore. The Clerk will report the Senate amendments.

The Senate amendments were reported.

The SPEAKER pro tempore. The question is on the motion of the gentleman from Indiana that the House concur in the Senate amendments.

The motion was agreed to.

DAM ACROSS MAHONING RIVER, OHIO.

Mr. KRAUS. Mr. Speaker, at the request of my colleague, the gentleman from Ohio [Mr. COOPER], I call up the bill (H. R. 4976) granting the consent of Congress to the Trumbull Steel Co., its successors and assigns, to construct, maintain, and operate a dam across the Mahoning River in the State of Ohio, with Senate amendments, and I move that the House concur in the Senate amendments.

The Clerk reported the Senate amendments.

The SPEAKER pro tempore. The question is on agreeing to the motion to concur in the Senate amendments.

The motion was agreed to.

AMENDING ACT IN REFERENCE TO PHILIPPINES.

Mr. TOWNER. Mr. Speaker, I desire to call up from the Speaker's table the bill H. R. 5756, and to move to disagree to the Senate amendments and agree to the conference asked for by the Senate.

The SPEAKER pro tempore. The gentleman from Iowa calls from the Speaker's table the bill which the Clerk will report by title.

The Clerk read as follows:

H. R. 5756. An act to amend an act entitled "An act to declare the purpose of the people of the United States as to the future political status of the people of the Philippine Islands and to provide a more autonomous government for those Islands," approved August 29, 1916.

The SPEAKER pro tempore. The gentleman from Iowa moves that the House disagree to the Senate amendments and agree to the conference asked for by the Senate.

Mr. BRIGGS. May we have the amendments reported?

The SPEAKER pro tempore. The Clerk will report the Senate amendments.

The Senate amendments were read.

The SPEAKER pro tempore. The question is on the motion of the gentleman from Iowa that the House disagree to the Senate amendments and agree to the conference asked.

The question was taken, and the motion was agreed to.

The SPEAKER pro tempore. If there is no objection, the Chair will announce the conferees. [After a pause.] The Chair hears none.

The Clerk read as follows:

Mr. TOWNER, Mr. GLYNN, and Mr. GARRETT of Tennessee.

GRANTING CERTAIN PUBLIC LANDS TO THE CITY OF PHOENIX, ARIZ.

Mr. HAYDEN. Mr. Speaker—

The SPEAKER pro tempore. For what purpose does the gentleman rise?

Mr. HAYDEN. To call up the bill H. R. 2421 and move to concur in the Senate amendment.

The SPEAKER pro tempore. The gentleman from Arizona moves to call up the bill which the Clerk will report by title.

The Clerk read as follows:

H. R. 2421. An act granting certain public lands to the city of Phoenix, Ariz., for municipal purposes.

The Senate amendment was read.

The SPEAKER pro tempore. The question is upon the motion of the gentleman from Arizona that the House concur in the Senate amendment.

The question was taken, and the motion was agreed to.

TARIFF BILL.

Mr. FORDNEY. 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. 7456.

The motion was agreed to; accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 7456, the tariff bill, with Mr. CAMPBELL of Kansas in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 7456, which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 7456) to provide revenue, to regulate commerce with foreign countries, to encourage the industries of the United States, and for other purposes.

The CHAIRMAN. The Clerk will read.

The Clerk resumed (p. 160, line 24, par. 1411) and concluded the reading of the bill.

Mr. FORDNEY. Mr. Chairman—

Mr. COPLEY. Mr. Chairman, I make the point of order that there is no quorum present.

The CHAIRMAN. The gentleman from Illinois makes the point of order that there is no quorum present. The Chair will count.

Mr. BLANTON. Mr. Chairman, I make the point of order that that motion is dilatory. [Laughter.] We ought to proceed with the consideration of this bill, as it is now only 1.50 o'clock p. m.

Mr. COPLEY. I make the point of order that the gentleman is in error; it was not a motion.

The CHAIRMAN. The Chair will count. [After counting.] Fifty-seven gentlemen are present, not a quorum. The Clerk will call the roll.

The Clerk called the roll, and the following Members failed to respond to their names:

Anthony	Fenn	Kunz	Rodenberg
Beedy	Fisher	Lampert	Rogers
Bell	Free	Langley	Rouse
Benham	Freeman	Lee, Ga.	Rucker
Bixler	Fulmer	Lee, N. Y.	Ryan
Bland, Ind.	Funk	Little	Scott, Mich
Bond	Gahn	Logan	Sears
Britten	Gallivan	Lowrey	Shreve
Burdick	Garrett, Tex.	Luhrling	Siegel
Burke	Gould	McClintic	Slemp
Burroughs	Graham, Pa.	McSwain	Smith
Cannon	Green, Iowa	Maloney	Snyder
Cantrill	Greene, Mass.	Mansfield	Stafford
Carew	Greene, Vt.	Mead	Stevenson
Chandler, N. Y.	Griest	Michaelson	Stiness
Chandler, Okla.	Griffin	Mills	Strong, Pa.
Clark, Fla.	Hammer	Mondell	Sullivan
Clarke, N. Y.	Hawes	Moore, Ill.	Summers, Tex.
Cockran	Hicks	Moore, Ohio	Tague
Codd	Himes	Morin	Taylor, Ark.
Connally, Tex.	Houghton	Mott	Taylor, Colo.
Cooper, Ohio	Hudspeth	Mudd	Thomas
Cramton	Husted	Nelson, A. P.	Thompson
Crisp	Hutchinson	Norton	Tillman
Dale	Johnson, Miss.	O'Brien	Underhill
Dallinger	Johnson, S. Dak.	Olpp	Upshaw
Deal	Jones, Pa.	Overstreet	Vaile
Dempsey	Kendall	Paige	Vare
Denison	Kennedy	Parker, N. Y.	Volk
Dickinson	Kiess	Perkins	Ward, N. Y.
Driver	Kindred	Perlman	Wason
Dunn	Kirkpatrick	Railey, Ala.	Williams
Dyer	Kitchin	Railey, Ill.	Wise
Edmonds	Klecza	Reber	Wyant
Elston	Kline, N. Y.	Riddick	
Fairchild	Knight	Riordan	
Faust	Kreider	Robsion	

Accordingly the committee rose; and Mr. WALSH, Speaker pro tempore, having resumed the chair, Mr. CAMPBELL of Kansas, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having under consideration the bill H. R. 7456, the tariff bill, finding itself without a quorum, thereupon under the rule he caused the roll to be called, and thereupon 284 Members answered to their names, and he presented the list of absentees to be entered in the Journal.

The SPEAKER pro tempore. The committee will resume its session.

The CHAIRMAN. The committee will be in order. The gentleman from Michigan [Mr. FORDNEY].

Mr. FORDNEY. Mr. Chairman and gentlemen of the committee [applause]. I will be grateful to the Members of the House if they will permit me to continue without interruption for at least a while, so that I may make somewhat of a connected statement with reference to this bill and its provisions.

The Committee on Ways and Means on the 6th day of January last began hearings upon the tariff bill. There were more than a thousand persons who appeared and made statements before the committee. The hearings continued until the 16th day of February. Shortly thereafter the majority members of that committee, let me say to my Democratic friends, met and began the consideration of fixing rates to be incorporated in the bill. I say the Republican members of the committee met, and I make that statement for this reason: This is the third tariff bill which has been written during the period of my membership on the Committee on Ways and Means, and at no time have the majority members in the drafting of the tariff bill permitted the minority members to be present and participate in fixing rates. It is well known, not only to the Members of the House but to the people of this country, that the two great political parties are too widely divided upon the tariff policy to permit cooperation. From the viewpoint of gentlemen on the other side of the House I could not be of service in the framing of their kind of a tariff law. I can not see the logic of their tariff reasoning. Likewise, they would not help us in framing a tariff bill following the tariff policy acceptable to this side of the House. They would play the rôle of obstructionists. They would play for delays and welcome disagreements. Their part would be to defeat the legislation.

The Republican Party takes it for granted that the people of this country, with a vote cast in November, spoke out loudly for protection. [Applause on the Republican side.] Our Democratic friends do not agree with us Republicans on that question. But let me say to them that in the Good Book will be found the following language:

But if any provide not for his own, and specially for those of his own house, he hath denied the faith and is worse than an infidel.

[Laughter.]

Our Democratic friends have not provided, through their eight years of power in both Houses of Congress and with a

Democratic President in the White House, for their own house. In their platforms they have repeatedly said that a tariff for protection is unconstitutional. In the Democratic platform of 1892, when that noble character, Grover Cleveland, was the Democratic candidate for President, you will find the following language:

We declare it to be a fundamental principle of the Democratic Party that the Federal Government has no constitutional power to impose or collect tariff duties except for the purpose of revenue only.

In the Democratic platform of 1912 you will find the following language:

We declare it to be a fundamental principle of the Democratic Party that the Federal Government under the Constitution has no right or power to impose or collect tariff duties except for the purpose of revenue.

Now, let us see what the Constitution provides. In section 8 of Article I of the Constitution are enumerated the powers granted to Congress. It is profoundly significant that the very first of these powers is as follows:

The Congress shall have power to lay and collect taxes, duties, imposts, and excises, to pay the debts, and provide for the common defense and general welfare of the United States.

[Applause on the Democratic side.]

In section 10 of the same article it provides:

No State shall, without the consent of the Congress, lay any impost or duties on imports or exports, except what may be absolutely necessary for executing its inspection laws.

That is what the Constitution has to say. Now, here is what a great statesman had to say about whether or not Congress had power to impose duties for protection. Madison in his time wrote a letter to Joseph C. Cabell. That letter was dated September 18, 1828, and I will read it. It is as follows:

Your late letter reminds me of our conversation on the constitutionality of the power of Congress to impose a tariff for the encouragement of manufactures, and of my promise to sketch the grounds of the confident opinion I had expressed, that it was among the powers vested in that body.

It is a simple question under the Constitution of the United States whether "the power to regulate trade with foreign nations," as a distinct and substantive item in the enumerated powers, embraces the object of encouraging by duties, restrictions, and prohibitions the manufactures and products of the country. And the affirmative must be inferred from the following considerations:

1. The meaning of the phrase "to regulate trade" must be sought in the general use of it; in other words, in the objects to which the power was generally understood to be applicable when the phrase was inserted in the Constitution.
2. The power has been understood and used by all commercial and manufacturing nations as embracing the object of encouraging manufactures. It is believed that not a single exception can be named. This has been particularly the case with Great Britain, whose commercial vocabulary is the parent of ours. A primary object of her commercial regulations is well known to have been the protection and encouragement of her manufactures.
3. Such was understood to be a proper use of the power by the States most prepared for manufacturing industry, whilst retaining the power over their foreign trade.
4. Such a use of the power by Congress accords with the intention and expectation of the States in transferring the power over trade from themselves to the Government of the United States.
5. If Congress have not the power it is annihilated for the Nation; a policy without example in any other nation.
6. If revenue be the sole object of a legitimate impost and the encouragement of domestic articles be not within the power of regulating trade it would follow that no monopolizing or unequal regulations with foreign nations could be counteracted; that neither staple articles of subsistence nor the essential implements for the public safety could under any circumstances be insured or fostered at home by regulations of commerce, the usual and most convenient mode of providing for both.

One more paragraph:

That the encouragement of manufactures was an object of the power—

Do not forget this, my Democratic friends—

to regulate trade is proved by the use made of the power for that object in the first session of the First Congress under the Constitution, when among the Members present were so many who had been members of the Federal Convention which framed the Constitution and of the State conventions which ratified it, each of these classes consisting also of Members who had opposed and who had espoused the Constitution in its actual form. It does not appear from the printed proceedings of Congress on that occasion that the power was denied by any of them.

President Jackson later, in 1830, in a message sent to Congress while President of the United States, takes exactly the same position and concludes:

The power to impose duties on imports originally belonged to the several States. The right to adjust those duties with a view to the encouragement of domestic branches of industry is so completely identical with that power that it is difficult to suppose the existence of the one without the other. The States have delegated their whole authority over imports to the General Government, without limitation or restriction, saving the very inconsiderable reservation relating to their inspection laws.

This authority, having thus entirely passed from the States, the right to exercise it for the purpose of protection does not exist in them, and, consequently, if it be not possessed by the General Government it must be extinct. Our political system would thus present the anomaly of a people stripped of the right to foster their own industry

and to counteract the most selfish and destructive policy which might be adopted by foreign nations.

This surely can not be the case; this indispensable power, thus surrendered by the States, must be within the scope of the authority on the subject expressly delegated to Congress.

In this conclusion I am confirmed as well by the opinions of Presidents Washington, Jefferson, Madison, and Monroe, who have each repeatedly recommended the exercise of this right under the Constitution, as by the uniform practice of Congress, the continued acquiescence of the States, and the general understanding of the people.

Gentlemen will remember that George Washington was presiding officer in the Constitutional Convention which framed the Constitution. They will remember that George Washington was the first President of the United States, and signed the first tariff bill ever enacted by the Congress of the United States. Fresh in his memory must have been the provisions of the Constitution that he helped to frame as presiding officer over that convention, and I want to read to you the preamble of the first tariff bill ever enacted into law by the Congress of the United States, in which many of the men who framed and wrote the Constitution took part and which George Washington signed, dated July 4, 1789. Now, listen, my Democratic friends, to the preamble in that tariff law:

SECTION 1. Whereas it is necessary for the support of government, for the discharge of the debts of the United States, and the encouragement and protection of manufactures that duties be laid on goods, wares, and merchandise imported.

[Applause.]

Is your memory so short that you can not remember that, my Democratic friends, when you are writing your Democratic platform? I would commend to your consideration hereafter a history of the framing of the Constitution and what it means. [Applause.]

I want to say, gentlemen of the House, that, although the Committee on Ways and Means have devoted every day diligently, earnestly, and faithfully to the purpose of framing this great bill, that contains 346 pages, it is the purpose of the Republican Congress, immediately after the passage of this bill, to begin hearings upon a revision of our internal-revenue laws and to present a bill to this House at as early a date as is possible for the members of that committee to write such a bill. [Applause.] And we shall very shortly give notice to the country that we will have some hearings before the Committee on Ways and Means. The committee proposes to use, as far as possible, the hearings already held by the Finance Committee of the Senate, and we want the country to know that we are going to revise our internal-revenue laws just as quickly as it is possible to do so, without any dilatory tactics, either.

I think it unnecessary to enter upon any extended discussion of the two economic systems which divide the two parties in the House and the people of this country, namely, tariff for protection and for the raising of revenue. Much has been said on this floor on this subject.

In the campaign of 1920 the principles of a tariff for protection, or for revenue only, or free trade were heralded from every platform in every State in the Union, and the result at the polls in November was the decision of the people.

The bill which the Committee on Ways and Means has presented is our party's answer and interpretation of that victory and in accordance with that spirit, that we might preserve the protective system, which we pledged our party to do.

The bill provides for a complete revision of our tariff laws. It changes rates now provided for in existing law. It modifies and much improves present methods of collecting duties; all of which meets the approval of the Treasury Department.

The committee has reincorporated the drawback clause, which permits a refund of 99 per cent of the duty paid on imported raw materials when converted into finished products in the United States and then exported. This provision brings about the employment of American capital and labor on imported foreign raw materials free of duty when such materials are again exported for use in foreign countries. Under this provision Canadian wheat can be imported and milled in the United States, and when the flour is exported 99 per cent of the duty paid on the wheat at the time it was imported will be refunded by the Treasury of the United States. This provision applies to all kinds of products.

In other words, the Germans are scheming—as undoubtedly are other countries—under existing law to escape the payment of the full amount of ad valorem duties and thus rob the United States Treasury of its just dues. It has been repeatedly stated in an offhand way, by representatives of the importing interests, that claims for undervaluation were grossly exaggerated and that the records showed undervaluation of but one-tenth of 1 per cent of the total importations. As a matter of fact, this statement is without foundation; but even if this statement were true it only goes to prove how very small the actual conviction of this crime is compared with what is com-

monly known to exist. In the year 1920 there were more than 5,000 cases of undervaluation reported at the port of New York alone, and 450 of such cases in the month of January this year. If it is true that but 1 per cent of these cases have been caught and made to pay the penalty, it can readily be seen that existing law is defective.

This new tariff bill proposes to overcome these difficulties by collecting ad valorem duties based not upon the foreign but upon the American value of the goods; American valuation determined by us and not by the foreigner.

In the evasion of the payment of full taxes of any character it is a matter of common knowledge that where the incentive to undervalue exists that opportunity will be taken advantage of. This is true also of our ordinary taxes with some of the people. It is true of our income taxes with some of the people. Why, then, is it a thing so inconceivable that the foreign manufacturer or exporter, who has no interest in our Government, should not go to the limit of undervaluation where the tax upon his product runs from 10 per cent to 60 per cent of its value?

OPPOSITION.

It is quite natural that opposition to this method should arise on the part of the importing interests, especially some of those who fear that their property will be assessed at nearer its real value and taxes collected thereon. They have organized for this purpose and are endeavoring to secure adherents to their effort to defeat this method of American valuation. They are flooding the country with propaganda to that effect, most of which is grossly misleading, but put in a plausible and dangerous way.

They state, without even knowing the details of the administration bill which we are proposing:

"The method is absolutely impractical and unworkable;

"It would ruin the importing interests of the country;

"It is impossible to find comparable articles on which to base assessment;

"Because the law requires that duty shall be assessed uniformly at all ports it is impossible to find the chief markets;

"It is impossible to find uniform and true value;

"The Government employees have no knowledge of American values, and it would require a complete revision of their present fund of information; and

"It would be revolutionary and disturbing methods that have been in existence for generations."

It is true that the method of levying duty on American valuation will arouse some employees of the Government to real activity in an effort to secure information as to real American values. It is not so difficult, however, as the present law, which requires that they shall secure and know the foreign market values. In actual practice this has been an easy job by simply first assuming that the importer's invoice is correct, and, secondly, if in any doubt, comparing it with his fellow importer's invoice for the same class of goods from the same district. The actual carrying out of the present law would require an army of experts clothed with such power as is impossible to secure to go throughout the world to find the actual foreign market values. With the exception of a few large staple industries it is well known by all who have come in contact with the present method of assessing duties that valuations are very largely matters of guesswork without any positive knowledge of facts.

ADVANTAGES.

The assessment of duties upon an American valuation is not a new idea in tariff legislation, but the carrying out in detail of this proposition has never before been so thoroughly entered into as is being undertaken at this time. The first tariff law of July 4, 1789, provided that duty shall be assessed upon "the valuation thereof at the time and place of importation."

In 1820, Henry Baldwin, of Pennsylvania, chairman of the House Committee on Manufactures, said:

The mode of ascertaining the value of goods on which a duty is to be assessed has been attended with much difficulty and almost constant war between the merchants and the officers of customs and has been often changed. The original mode of assessing the value at the time and place of importation prescribed by the act of 1790 was the fairest and most equitable; as an ad valorem duty it was, in fact, what it purported to be, so much per cent on the value.

In April, 1830, Roland C. Mallory, chairman of the committee at that time, said:

You can not reach the person who swore falsely to an invoice in a foreign country. There he is perfectly safe. The truth is, sir, that the foreign valuation is the rotten part of our system.

During the debate on the tariff bill of 1833, Henry Clay offered an amendment that after 1842 the duty should be assessed on—

A valuation made at the port in which the goods are first imported.

Mr. Clay at that time stated:

Now, the valuation is made in foreign countries. We fix the duties, and we leave our foreigner to assess the value on articles paying an ad valorem duty. This is an anomaly, I believe, peculiar to this country. It is evident that the amount of duty payable on a given article subject to an ad valorem duty may be affected as much by the fixation of the value as by the specification of the duty. And, for all practical purposes, it would be just as safe to retain to ourselves the right to declare the duty and to allow him the privilege of assessing the value. Now, sir, it seems to me that this is a state of things to which we should promptly apply an efficient remedy; and no other appears to me but that of taking into our hands both parts of the operation, the assessment of value as well as the duty to be paid on the goods. If it is said that we might have in different ports different rules, the answer is that there could be no difference any greater than those to which we are liable from the fact of the valuation now being made in all the ports of foreign countries from which we make our importations. And that it is better to have the valuation made by persons responsible to our Government and regulated by one head than by unknown foreigners standing under no responsibility to us.

In 1850, President Fillmore, in his first annual message to Congress, said:

As before stated, specific duties would, in my opinion, afford the most perfect remedy for this evil—speaking of undervaluation—but if you should not concur in this view, then, as a partial remedy, I beg leave to especially recommend that instead of taking the invoice of the article abroad as a means of determining its value, where the correctness of which invoice it is in many cases impossible to verify, the law should be changed so as to require a home valuation or appraisal, to be regulated in such manner as to give, as far as practicable, uniformity in the several ports.

Col. George C. Tichener, one of the ablest members of the Board of General Appraisers, and for many years a special customs agent of the Treasury Department who had intimate knowledge of customs irregularities, said:

There is eminent propriety in assessing the duty according to the home value, instead of the unknown and uncertain value in the country of production.

Henry F. French, Assistant Secretary of the Treasury, made the following statement before the Tariff Commission:

I think the question whether our commission should not recommend a home valuation instead of a foreign valuation is one of the most important you should consider. Why should we go to India or England or anywhere else to ascertain what the value is or was there rather than to take the value in the port of importation or in the principal markets of the United States, which would be the better term or better method? It seems to me that it is one of the curiosities of the law that such a provision should have existed from 1799 down to the present time, and I think it only exists now because nobody has really thought it possible to change a thing which has existed so long. * * * I think any person who should be told for the first time that we look abroad in order to find out what duty we should assess upon an imported article would be very much puzzled to know what reason there could possibly be for so doing. * * * There is no sense in retaining this provision for foreign valuation; it is home valuation, in fact, which should control the duty.

This historic background gives us the thoughts of great men based upon conditions then existing. To-day we have much more complicated conditions confronting us, and the necessity for such a change is greater than at any other period of our Nation's history.

The advantages of such a change as compared with the disadvantages arising from reconstruction are so enormous that the difficulties seem insignificant. Mountains though they may seem when presented by the importing interests, they sink into insignificant molehills in reality when taken up by men whose purpose it is to protect our revenues and save our industries from destruction.

The possibility of securing actual dutiable values will be greatly increased under this system of American valuation. Instead of having to deal with foreign manufacturers and agents, whose interest is to mislead and deceive and who usually refuse to give information of any value, the American manufacturer and wholesale dealer, in whose interest the Government desires the information, would be not only willing but anxious to furnish such information as the Government would require. In any event, the power to secure facts would be in the hands of our own officials; they could compel the attendance of all interested parties for the establishment of true market values; they could punish for neglect to produce such evidence or for perjured testimony.

The Government would be free from all diplomatic entanglements and such embarrassments as have frequently arisen because of reasons above stated.

It would reduce to a minimum the necessity for continuing our expensive corps of foreign commissioners who are now accredited representatives to the foreign Governments, and they could be sent home if found persona non grata. Many of them do not want to be sent home.

The Government would get a much larger revenue and would be in a position to collect the revenue prescribed by Congress. Those who through low valuations or gross undervaluations are now reaping enormous profits out of our market would at least be compelled to share these profits with the Government and thus reduce the unjust competition between them and the

reasonable and honest importers and domestic manufacturers, as they would have to pay an amount of duty equal to their fellow importers from whatever country the goods came.

The American manufacturer would have increased protection, because the law could not be so easily evaded, and he would have the protection that Congress intended he should have.

It would equalize the amount of duties paid on similar goods regardless of the country from whence imported. The present method discriminates against the high-cost countries and favors the low-cost countries.

Assessments upon American values will not permit the American producer to unduly advance his selling price, but it will hold these advancements in check.

It would do away with the troublesome question of exchange.

There are many features that have been presented to the Committee on Ways and Means in their consideration of this bill that have never been presented to any Congress of the United States before, due to the unsettled conditions throughout the world caused by the war. The committee called upon the Tariff Commission for much information, and also upon other departments of the Government from which we could obtain information to aid us in the preparation of this bill, and we received most valuable assistance.

I read a portion of the Democratic minority report on this bill, and when I finished reading that report I was reminded of a young man, the son of an old country German, who was nominated in convention, in the old convention style, for sheriff of the county. The nomination came unexpectedly to the young man, and when he went home, and knowing that his father was an old wheel horse in politics, he said, "Fader, I have been nominated. I am new at the business. Tell me how to win in the campaign." The father said, "My son, take my advice: Schling mud, schling mud, and schling mud." [Laughter.]

Our Democratic friends evidently heard that old man make that remark. [Laughter.] They criticize the Committee on Ways and Means for not giving comparative rates carried in this bill together with the rates provided for in the Underwood bill. My friends, permit me to say, in all sincerity, we have been too busy framing just and equitable rates to give much attention to the rates in the Underwood tariff law [applause], which we know have been so low that the average ad valorem duty collected on the total imports are below the average rates in the tariff laws of any principal country of the earth right now. And yet we are said to be a great protective Nation.

I want to say to you that the rates collected under the Canadian tariff laws last year were more than three times the ad valorem rates under the Underwood law, and yet some men who wish to complain about the rates that this bill carries try to make the people believe that Canada is going to retaliate if we increase the Underwood rates. Last year, gentlemen, Canada collected \$19.21 per capita on her imports, while we collected but \$3.15 per capita. Her rates are nearly 20 per cent ad valorem, while ours are 6 per cent ad valorem. And little far-away Japan has to-day upon her statute books tariff rates equal to the rates in the Payne law, amounting to about 18 per cent ad valorem upon all dutiable and free goods. Last year free-trade Great Britain on her imports collected \$16.50 per capita, while, as I have before stated, we collected \$3.15.

Oh, my Democratic friends, if you will go over to the Library of Congress you will find that the great English statesman, Joseph Chamberlain, who had been a free trader for years and years in the English Parliament, finally saw the light of day and changed to a protectionist and asked for an election in Great Britain and only failed by a few votes of being elected to the English Parliament on a protective platform. Joseph Chamberlain, in one of his speeches, drew a picture of the condition of the laboring people in Great Britain. I will give it to you as nearly as possible word for word. He pointed out to one audience after another that in Great Britain the laboring man had more difficulty, less opportunity of securing the food and clothing required for his family, than did at that time the people of any principal country in the world.

He referred to the well-known fact that laboring men in Great Britain in the textile mills or shoe factories often follow in the footsteps of their fathers, entering their apprenticeship in the same shop, and that this has continued for generations, son following father and grandson following grandfather. Bearing this fact in mind, he drew this dreadful picture. I am sympathetic, and when I read it the story brought tears to my eyes. He said there was a family where the father was an aged man. Before making this statement he pointed out that 53 per cent of all the people in Great Britain over 75 years of age were in almshouses. He said that in this particular family the father had reached the age of 75 years and was unable to

do manual labor any more. He lived with his son, who had a wife and five children. The son and the wife decided that the husband's income was not sufficient to support that family properly and that the father must go to the poorhouse.

The son started to the poorhouse with his father, and on the road they came to a spring where there was a cup and they stopped to take a drink of water. The son dipped a cup of water from the spring and handed it to his father, and when he turned he saw that his father stood there trembling from head to foot. The son said, "Father, if you are feeling so badly because you are going to the poorhouse, come back to our home with me. You have been a kind and loving father. Jane and I will share with you our little pittance, and you shall not go to the poorhouse while I live." "No; my boy," said the father, "I am not feeling so badly because I am going to the poorhouse, but, my beloved son, 50 years ago I dipped a cup of water from that spring and handed it to my father when he was on his way to the poorhouse. And, God forbid, but, my son, if you live to arrive at my age, you, too, will pass by this spring on your way to the poorhouse."

That is the picture that Joseph Chamberlain drew to his hearers of the condition of the workingmen under free trade and the lack of opportunity, and all history bears out the correctness of Joseph Chamberlain's statement. My good friends, protection is not for the manufacturer alone. Give the manufacturer as cheap labor as his competitor abroad has and no manufacturer will ask for protection. It is a question of enabling the manufacturer of this country to pay the American standard of wages so that the American laboring man may enjoy the standard of living which is common in the United States. [Applause.] I am a protectionist and I am a Republican, without any apologies for my protection or Republican views. [Applause.] But, my friends, it has been my earnest purpose, and will continue to be until this bill is written into law, to see to it, so far as in my power, that no prohibitive rate shall be written into the law. It is my purpose also to see that the rates are sufficiently high to offset the difference between the cost of production in this country and the cost abroad.

If such a law could be written it would be ideal, and I say to you that the provisions of this bill and the rates herein provided for are as nearly correct along those lines as it was possible for the majority members of the Ways and Means Committee of this House to agree upon them.

In further reference to American valuation as a basis for assisting ad valorem rates, there are two principal reasons for that change at this particular time. First of all when we collect the ad valorem duties on the foreign valuation we must depend very largely upon the honesty of the exporter in the foreign country to name in the invoice the correct foreign value of those goods. I have here a speech made by a German manufacturer before the Board of Trade of Berlin in which he pointed out that it was the purpose and right and duty of the foreigner to undervalue as far as possible the goods which he exported to this country. I am going to read you a part of that speech before I conclude.

Secondly, my friends, because of the conditions brought about by the war the rates of exchange of the money of the different countries vary extremely. To-day Canadian money is worth 85 cents on the dollar in our money. The English pound with a par value of \$4.86 has an exchange value in our markets of \$3.60, perhaps a little above or a little below that. To-day the French franc with a par value of 19.3 cents has an exchange value here of about 7 cents. The German mark with a par value of 23.8 cents has an exchange value here of 1.75 cents or thereabout. The best obtainable information is that the mark has a relative purchasing power in Germany of 8 cents, but the duty is paid upon the exchange value here. Now, for the purpose of equalizing these various exchanges of foreign money we found no other practicable or equitable way except to make all countries in the world pay the duty upon the American valuation, and all alike. [Applause.]

I have drawn a conclusion for the purpose of giving you an example of the various valuations. We know that the highest production-cost country that we deal with is Canada, just across the border. We know that Germany's cost of production is far below that of Canada, and we know that the cost of production of the same article in Japan is far below the cost of production in Germany. Therefore I have taken this example: Suppose that a merchant purchased identical articles, both in quantity and in quality, in Canada, in Germany, and in Japan, and all three shipments were imported into the port of New York on the same day. Here is what they would pay under existing law. Suppose the articles purchased in Canada cost \$1,000. The same goods could be purchased in Germany for \$800 and the same goods could be purchased in Japan for \$500.

I know that there is a greater margin of difference than the one I am giving. Suppose the duty was an ad valorem duty of 25 per cent. Goods coming from Canada would pay 25 per cent on the value, or \$250; the goods coming from Germany would pay 25 per cent on \$800, or \$200; and the goods coming from Japan would pay 25 per cent on their value in Japan, \$500, or \$125. Therefore Canada, the highest cost production, would pay an ad valorem duty that Japan paid, and that is the existing difference right now. Now, let us put it the other way. Under the American valuation the duty will be added to the foreign value; in other words, we must assume that the 25 per cent imposed will offset the difference between their cost and our cost. Therefore, in order to obtain the American value of the Canadian goods, 25 per cent ad valorem makes the American value \$1,250. Now, 20 per cent ad valorem on \$1,250 will yield the same amount of revenue that 25 per cent will yield on the Canadian value of \$1,250. But the German goods must pay under the terms of our bill 20 per cent on \$1,250, the same as the Canadian, or \$250.

The Japanese goods when brought in must pay 20 per cent on \$1,250 and not \$500, and therefore they will pay exactly the same duty as when imported from other countries.

Our present system widens the margin of cost between these countries when the goods are laid down here and pay ad valorem duties on foreign values. Under our proposition of the American value all countries alike must pay a duty assessed on the American value. No matter what the foreign cost may be, they must pay exactly the same amount of duty here.

Many people came before our committee and presented arguments for and against the American valuation. Invariably the importer opposed the change from collecting ad valorem duties on the foreign value to the American value. Why? Because, my friends, there is no opportunity for the dishonest importer, and there are a few, not all, and a few dishonest importers in foreign countries, not all. Under the American valuation no foreigner and no American can undervalue. Under this plan we will not only fix the rate of duty, but we will fix the value on which those duties will be collected. [Applause.]

Mr. HARDY of Texas. Will the gentleman yield?

Mr. FORDNEY. I will yield for one question.

Mr. HARDY of Texas. If you fix the tariff sufficiently high to protect the American manufacturer against the Japanese, for instance, will not that tariff be so high that it will absolutely exclude all goods from Canada or Germany?

Mr. FORDNEY. I am glad the gentleman asked the question, and I will explain. We have aimed to fix a rate that will offset the difference between this country and foreign countries that are now our competitors, whether it be Japan or any other country; and this is true in some instances, that if we impose a rate of duty sufficient to protect us against Japan it would be too high for other countries. But if we put it only sufficiently high to offset the difference between our cost and the cost of production in Canada, Germany and Japan would not only capture the markets against us but against Canada as well. [Applause.]

Mr. HARDY of Texas. Would not that proposition to protect you against Japan turn all the trade we got over to Japan and exclude England and Canada?

Mr. FORDNEY. Oh, no; that will never happen. All countries do not compete in all products. There generally is an outstanding principal competitor in any given commodity of trade.

Now permit me to read the statement to which I made reference, addressed to a German board of trade. It is somewhat lengthy, but I will ask you to bear with me. The remarks were made behind closed doors, but I have assurance of the authenticity of my information:

STATEMENT MADE BY A GERMAN MANUFACTURER BEFORE THE BERLIN CHAMBER OF COMMERCE, WHICH STATEMENT WAS MADE BEHIND CLOSED DOORS.

As a fact the United States is not dependent for its existence upon the collection of duties, and it can afford to allow the falling off of revenues in this direction for what they claim "the general good." From this standpoint it is clear that in the administration of the tariff is concealed the power and purpose to make the entry of certain articles as difficult as possible, and to carry this out the United States Government agents resort to the meanest and smallest measures.

The first of these is the certification of the invoices by consular officers stationed in various districts of the Empire. Second, the investigation by customs officials as to the correctness of statements in the invoices which have not the force or effect of an oath in the German Empire. (In other words, an affidavit sworn to by a German is not considered a binding oath.) Third, the reexamination in cases where there is reason to doubt values by agents of their Treasury Department; and fourth, by the high penalties added for undervaluation. Naturally, we will admit that an actual swindle is incorrect in any business transaction, but "undervaluation" should not be treated as such unless positively proved.

However, no such elasticity is to be found in the minds of American customs officials, who treat "undervaluation," as they call it, as

fraudulent, and they at once apply the usual penalties. Our goods have been exported to England and the United States at lower prices than those for the home market, and there have been more or less low values for the States, and in some cases what would be there termed "fraud," and such are the conditions at the present time.

GERMAN STATEMENT.

"Market value," as defined under American law, is the wholesale price at the time of export, and our trouble lies in having two sets of prices, one for export and the other for home trade. We have to resort to a division of shipments under the so-called "100 clause" to keep our market's secret, save fees, and avoid control on that side.

Declaration in invoices compelling all sorts of statements as to how the goods were obtained, whether by purchase or otherwise, values in detail and charges of every character are the crowning points in the prying curiosity practiced under the American customs laws.

These things all lead to abuses, and we are promised that the means of gaining information through American consuls and agents will be shut off.

Who gave them that information? Who promised that?

Our boards of trade are fully awake to the dangers that surround us, and in making every effort to close the doors against this abuse they are hoping for the whole support of the Government.

Their manner of obtaining costs of production that in many cases it has been misleading, because through the prudence of our officials we have taken care that investigations of this character shall throw little light upon the actual value of their consignments.

In many cases trouble has been avoided by having invoices consular remote from districts in which the goods are manufactured; but we must follow up this whole question as to right of consular and other officers to pry into our business for the sole purpose of keeping out our merchandise, and in this we are assured of the cordial support of our Government. Such treatment on the part of American officials and the cause for it is plain; and now that concessions must be made by the American Government, if we stand together firmly as a body, aided and supported by our board of trade, we can bring about a change that will be of untold benefit to our American export trade.

American valuation will forestall this manner of connivance. With the new system undervaluation will be negligible.

A few days ago I received a letter from the American Chamber of Commerce in France, dated June 21, 1921.

The letter first calls attention to the fact that the American Chamber of Commerce in France was founded 28 years ago, and that its efforts have been devoted to the protection and development of the commerce of the United States with France. Naturally, this organization is somewhat out of touch with the needs of protection to American industries and is more concerned with trade relations than with conditions within the borders of the United States.

In the letter the chamber of commerce points out that France applies her maximum rates to the great majority of American products imported into France. The letter says, in part:

The tariff schedule in the law of 1913 aroused far less discontent than the arbitrary interpretation of the clauses in the administrative tariff act by customs inspectors.

Further on, the letter states:

Our chamber again urges the adoption, as far as possible, of specific duties in the American tariff in place of those reckoned ad valorem. Not only in France, but also the other great European commercial countries have, after years of experience, been led to the adoption of specific duties, and the wisdom of their decision is confirmed when we consider how the ad valorem system works in the United States. In spite of every effort made by the Treasury Department, in spite of the searching inquiries of the Tariff Board, in spite of the employment of numberless agents and the expenditure of millions of money, no accurate or permanent schedule of market value has as yet been established, nor does the establishment of such a schedule lie within the range of human achievement. It is this impossibility of determining market values which has led to decisions often unjust, always arbitrary on the part of the customs authorities, and it is this that has encouraged a system of persistent undervaluation which bears most grievously on the honest importer and upon merchants throughout our country.

The strong inference contained in the letter is that the foreigner objects more strenuously to investigation by American officials as to their costs and market value than they do to the amount of duty imposed. The American Chamber of Commerce in France does not recommend the American valuation system, but it does appear that such a recommendation might well be based on their argument.

WHERE SPECIFIC DUTIES CAN NOT BE LEVIED.

We need revenue far in excess of prewar days. This fact must be considered by both sides of this House. The question is, How shall we raise the money? We propose to raise a goodly portion of it by the operation of this tariff bill.

Our people are willing to pay taxes to meet the Government's obligations—there is no other way for the Government to obtain money than from the people—but the people want such taxes equitably laid. If our Government is to remain solvent, it must meet its obligations. In our opinion, an import tariff tax is the least burdensome of all taxes upon the people, for in most cases it is a tax upon the foreign importer and not on the consumer.

I have said that if the tax upon Congress to raise revenue was no greater now than in prewar days it would be boy's play;

but such is not the case. The burden has increased fivefold. Before the late war our annual Government expenditures were \$1,000,000,000. Now they are, in round numbers, \$5,000,000,000. However, we have passed the crest of the wave, and our annual expenditures can be materially reduced. At the end of the Civil War the public debt was just below \$3,000,000,000, or about \$88 per capita. At the close of the late European war our debt was \$25,000,000,000, or about \$250 per capita, and about 7½ per cent of our total wealth. By deduction from our total public debt of the sums owing to us by the allied Governments, which is approximately \$10,000,000,000, our net debt at present is about \$14,000,000,000, or about \$138 per capita, and about 4½ per cent of our total wealth—the lowest of that of any principal country in the world.

Assessing the duty on the value in America would have substantially the same desirable result as the specific duty. The rate charged against all countries will be uniform and the United States will not be required to question foreign values or foreign costs.

In the Underwood Act rates of duty wholly inadequate to protect American industries were levied, and yet the tariff law was unsatisfactory from the viewpoint of France, and France would not consent to grant America her minimum tariff rates.

Under the new tariff bill the President could negotiate with France and extend to France certain concessions in exchange for concessions by France. The American market is the best market in the world, and in exchange for granting advantages in the American market America will receive liberal concessions by foreign countries.

Let me say to my Democratic friends that we have been kind to you. You are children away from home on a dark night. We will take care of you in spite of your efforts to the contrary in this tariff law. In the Republican conference the other night the Ways and Means Committee, feeling doubtful whether it would be wise or proper or the necessary thing to put a duty on cotton, decided to give you an opportunity to vote in or out a duty on cotton. [Applause on the Republican side.] But let me say to you in advance that I am going to vote when the time comes for a duty on cotton, and then I shall vote for the bill; but I warn you that unless you can vote for the bill do not vote for a duty on cotton, or you will be criticized. We will give you your choice. It may be Hobson's choice, but we are going to give it to you.

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

Mr. FORDNEY. Yes.

Mr. BLACK. The gentleman also intends to propose at the same time that a compensatory duty be given to the manufacturers, does he not?

Mr. FORDNEY. Oh, yes; I hardly think it fair to put a duty on the manufacturer's raw material without also giving him a compensatory duty on his finished products.

Mr. GARRETT of Tennessee. Mr. Chairman, will the gentleman yield?

Mr. FORDNEY. Yes.

Mr. GARRETT of Tennessee. Has the gentleman, in anticipation of the possibility of a duty being levied on cotton, already put the compensatory duty in the bill?

Mr. FORDNEY. No; we have put a duty on, as we understand it, that will in our opinion offset the difference between the cost of conversion in this country and abroad; but if we put an additional duty on the manufacturer's raw material, we must also, in justice, give him an additional compensatory duty to offset that difference in the cost. That is my personal opinion. I do not know what the other gentlemen think about it.

Mr. GARRETT of Tennessee. Do I understand, then, that if a duty on cotton should be voted into the bill, the rates as now arranged in the bill on the manufactured products will be changed and increased?

Mr. FORDNEY. That would be my attitude. I can not speak for others than myself. Let me show you what the people of the South think about this matter of protection. I have here a telegram dated New Orleans, July 6, 1921, and addressed to me. I want you gentlemen from Louisiana and Texas to pay strict attention to this so that you may see that even in the South they are awake to the necessity and value of protection.

NEW ORLEANS, LA., July 6, 1921.

HON. JOSEPH W. FORDNEY, M. C.,
Washington, D. C.:

The congress held by Southern Tariff Association in this city to-day attended by delegates from five States representing 60 industries and over a hundred organizations, the following resolutions were unanimously adopted: First, that the tariff policy of the Sixty-seventh Congress was definitely settled at the November election. Second, that we recommend such tariff schedules on southern products as will equalize the cost of production in this country with that of foreign countries so far as may be consistent with the public welfare—

[Laughter on the Democratic side.]

You may laugh, but that is protection, because you never knew free trade to render any assistance in welfare to anybody on earth. You know there are a great many people in the world who love the word "free." In 1896 Bryan made a speech in my home town. I did him the honor to go and hear him. He spoke of free silver, elaborated upon that question. I went forward and shook hands with him. Another man stepped up and said, "Mr. Bryan, I have listened with great interest to what you have had to say about free silver. You are a great man, and I hope and pray that you will be elected. If you are, will you bring us the silver or will we have to go down there after it?" [Laughter.]

Let me continue, now, with the reading of this telegram:

such schedules to be so placed as to fairly distribute the burdens and benefits among all industries without discriminating against any section, class, or product, to the end that there may be maintained American standards of living in every line of effort. Third, we are opposed to the doctrine of free raw material on agricultural, pastoral, oil, and other mineral products. Fourth, we appeal to all Congressmen to give consideration to the economic welfare of the South by favoring the same tariff levies upon southern products that are given the products of other sections. Fifth, agricultural, pastoral, and mining products of the South do not come in competition with the products of our debtor nations, and a tariff levy will therefore not interfere with the payment of our foreign loans.

JOHN H. KIRBY,
President Southern Tariff Association.

The CHAIRMAN. The Chair would state that the gentleman from Michigan has consumed one hour.

Mr. LONGWORTH. Mr. Chairman, I ask unanimous consent that the gentleman may proceed for another hour.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. FORDNEY. Gentlemen of the South, of the North, of the East, and of the West, the committee in arranging rates in this bill have protected every industry of the South equally with those of the North. [Applause on the Republican side.] I have taken the position, although some of my colleagues have differed with me, that cotton is just as important an agricultural product of this country as corn and wheat and oats, and is entitled to protection for that reason. I am thoroughly convinced that the only way to write an equitable and just tariff law is for every man whose vote takes a part in the passage of the same or in the framing of it to forget the little town in which he lives, the county that surrounds him, the congressional district that he represents, and take into consideration only the welfare of all the people in every State of this Union. [Applause on the Republican side.]

Mr. BLANTON. Will the gentleman yield right there?

Mr. FORDNEY. Yes.

Mr. BLANTON. If the gentleman takes care of the South so well, why did he not place a duty on hides in this bill?

Mr. FORDNEY. Well, you might take from what I have said my position might be the same on that as on cotton, and we are going to have a vote on cotton on the floor of this House before this bill becomes a law, and on hides as well.

Mr. BLANTON. But why not put it in the bill to begin with?

Mr. FORDNEY. My friend, I never kick against the majority. I abide by the majority, and I will by the majority of this House. A tariff bill or any great measure that contains as many important matters as this does never meets with the approval of everybody taking part in it. But it is the best compromise that could be obtained among a body of men, and I feel it my duty to go with the will of the majority without complaining, and I do it. Now, gentlemen, it is said by some of our friends on the Democratic side of the House that whatever duty is imposed upon an article is added to the cost of that article to the consumer. I deny that that is a correct statement. I know that such a conclusion is wrong. That may be true in some particular instances, but in a majority of cases it is not so. Let me ask you, my friends, in all sincerity—I am not abusing you, I want you to come in and make it unanimous. [Laughter.] If there was to-day a duty of \$10 a pound on butter, do you believe butter would sell in the United States for \$10? No; you know it would not. You know it would not be added to the cost of the article. If there were \$40 a yard import duty on cloths of either wool or cotton, do you believe we would pay from \$40 to \$50 a yard for it in this country? No; you know differently. You know it. You know, my friends, in a majority of cases where competition is keen and where the productive capacity of this country is sufficient to supply us, that no matter what duty is placed upon an imported article it would cut no figure upon the price in this country, except if the foreigner were permitted to come here and sell under free trade or on his undervaluation. Those articles would sell for a while at a lower price, but when the American manufacturer is put out of business then you

would pay the penalty as you and I and all the people of this country last year paid the penalty on sugar. [Applause on the Republican side.]

Go to the report of the Alien Property Custodian of January, 1919. A. Mitchell Palmer—I believe a Democrat; he was a Democrat [laughter on the Republican side]—in that report called the attention of the country to some chemicals which were manufactured. He pointed out that there were two well-established chemical institutions in this country making certain chemicals, and among others oxalic acid. Two new industries sprang up in the United States, chiefly with Pennsylvania and New York capital. Before these new industries were built oxalic acid was selling for 6 cents a pound. When the new factories got under way the two old factories reduced the price to 4.4 cents per pound, but the new industries kept on doing business at a loss. In a very little while those two factories reduced the price to 2.2 cents per pound. You will find that in his report; and the new institutions closed their doors; and the president of one of the concerns, who came before our committee, stated that he had to buy his own factory at a sheriff's sale. Now, what happened? When these new factories closed their doors the old established institutions put the price of oxalic acid to 9 cents a pound, 50 per cent higher than before the new factories were built. But when the war came on some one called the attention of A. Mitchell Palmer to the fact that those two old factories might be German-owned property, and upon investigation he found that every dollar in those institutions was German capital, and the Government took over that property and sold it to American institutions. There is an illustration drawn by a Democrat. I never heard a better Republican argument for protection in my life. [Applause on the Republican side.]

Mr. LONGWORTH. Will the gentleman yield?

Mr. FORDNEY. I will.

Mr. LONGWORTH. The gentleman spoke a few moments ago about sugar. Apropos of the question of whether an increased tariff necessarily raised prices, the so-called Fordney emergency tariff bill has been in force now for some months, with higher rates of duty on sugar than the Underwood or even the Payne law. Can the gentleman state whether that has caused an increase in the price of sugar?

Mr. FORDNEY. On the contrary, my beloved friend, the price of the refined sugar f. o. b. New York has gone down 2 cents a pound since the emergency tariff bill became a law.

Mr. BLACK. Will the gentleman yield?

Mr. FORDNEY. I will.

Mr. BLACK. Does not that negative the promise that the Republican Party made to the producers of Louisiana and other sugar-producing sections of the country that it would raise the price?

Mr. FORDNEY. No, my friend; and let me tell you, on the other hand, in the Payne tariff law there was a duty of 1.685 cents on 96-degree raw sugar and on Cuban sugar 1.348 cents. The Democratic Party reduced that duty to 1 cent a pound on Cuban sugar, and in 12 months' time 42 per cent of all the sugar-producing institutions in the State of Louisiana closed their doors or were sold by the sheriff. [Applause on the Republican side.] We, by the terms of this bill, have given what we think is a fair measure of protection, and we hope to see those sugar factories in Louisiana once more blossom as they did under the Payne law.

Mr. BLACK. The gentleman is discussing the question of chemicals, and the question I rose to ask him was this: If I understand the bill, certain dyes and colors will be classed as "Class A," and upon such articles there can be no importations without the consent of the Tariff Commission, and the finding of the Tariff Commission that those articles can be bought in this country at a reasonable price and in a reasonable quantity. Does that conform to the argument of the gentleman that a tariff of this kind does leave competitive conditions free?

Mr. FORDNEY. For an answer to your question I will ask you to permit me to yield to the gentleman from Ohio [Mr. LONGWORTH], who has had more to do with the chemical schedule and can answer that more correctly than I can. And if the gentleman from Texas will permit me, I will go on.

Mr. LONGWORTH. Mr. Chairman, I need only suggest to the gentleman from Texas [Mr. BLACK] that he read the bill.

Mr. BLACK. I have read that portion of the bill very carefully, and I think I understand it.

Mr. MADDEN. Mr. Chairman, I might say in further reply to the gentleman from Texas, if the gentleman from Michigan [Mr. FORDNEY] will permit, that when the Louisiana sugar factories had to close we were compelled here, as a measure of relief to people engaged in the industry, to establish an experi-

mental cattle station down there and show them how to raise cattle.

Mr. FORDNEY. Yes; we did, and we spent a good deal of money to aid them in that enterprise.

Now, gentlemen, permit me to pass on.

Mr. CARTER. Will the gentleman yield for just a question?

Mr. FORDNEY. For one question.

Mr. CARTER. I want to ask the gentleman what were the importations of cotton into the United States last year? How many bales?

Mr. FORDNEY. Of raw cotton?

Mr. CARTER. Yes.

Mr. FORDNEY. For the eight months ending with March the importation of cotton was 91,755,000 pounds.

Mr. CARTER. How much of it was long-staple cotton?

Mr. FORDNEY. It is not separately classified here, sir. I do not have it.

Mr. GARRETT of Tennessee. Will the gentleman yield?

Mr. FORDNEY. The emergency tariff bill carries a duty on long-staple cotton; and after a sufficient time to fully investigate, it is found by the committee that with a duty upon long-staple cotton it is practically impossible to determine whether or not cotton goods, when manufactured and entered into our market, were made from long-staple or medium or short-staple cotton. Therefore it is my opinion that, in order to do justice to the whole industry, if we put a duty on cotton it will be a duty on all cotton, with a compensatory duty on cotton goods.

Mr. CARTER. Just one more question, if the gentleman will yield?

Mr. FORDNEY. Yes.

Mr. CARTER. I want to ask the gentleman what was the importation of crude and fuel oil during the last year, if he can tell us?

Mr. FORDNEY. From Mexico it runs about 13,500,000 barrels a month right now, and has been running at that rate for several months.

Mr. GARRETT of Tennessee. Will the gentleman yield?

Mr. FORDNEY. Yes.

Mr. GARRETT of Tennessee. In connection with the cotton schedule, can the gentleman place in the RECORD a statement as to how much the rates as fixed in the bill now under consideration on manufactured cotton articles will have to be increased in the event a duty of 7 cents a pound is laid on cotton?

Mr. FORDNEY. I can give the gentleman my offhand opinion. If we put a duty of 10 or 15 per cent on raw cotton, whatever the correct proportion to the total cost of the finished product should be because of that duty on the raw material, it should be reflected in the finished product.

I can not agree with people who express great concern regarding the future of Europe in the event of the passage of tariff rates sufficient to equalize the competitive conditions in the United States and foreign countries. I disagree very strongly with any contention that a policy which will not keep American labor well employed and maintain the purchasing power of the American people can benefit Europe.

On the contrary, I believe it a fallacy to assume that a policy which will reduce the purchasing power of the American people will place America in a position to aid Europe. The immediate and inevitable effect of low import duties is to bring a flood of imports, displacing American labor and curtailing the purchasing power of the American people. Hereafter it is my contention that imports will decline.

Further, it is my belief that the immediate results of the imposition of high duties will be to temporarily reduce importations and revive American industries, increase employment and the purchasing power of the American people, and therefore result in a healthy gain in our foreign trade, both import and export. When the American people are well employed they spend liberally, and certain foreign commodities find a ready sale in the American market. One year ago importations into the United States, June, 1920, amounted to \$552,605,000. Since that time imports have declined. This decline in importations can not be attributed to tariff legislation. One year ago cargo space was at a premium. At present cargo space is a drug on the market. More foreign goods are offered on more favorable conditions at present than one year ago. The answer is that America has stopped buying.

The first consideration in making a sale is to find a prospective customer with money with which to buy. The policy which will deprive America of the purchasing power will not aid Europe in selling goods on the American market.

It is absolutely essential to the welfare of the importer that Americans be well employed and the purchasing power of the

American people be maintained at a high level. We all have a right to our own opinions, but, candidly, I can not help but consider an advocate of free trade as being selfish. His argument to me appears selfish, and, further than this, the free trader is short-sighted and blind to his own interest.

We want Americans to be better clothed, fed, and enjoy more of the comforts of life than is possible in the majority of foreign countries. To guarantee better conditions in America we have legislation restricting the interstate traffic in manufactures on which child labor has been employed. The various States have laws governing hours of labor. We have enacted employers' liability laws and factory inspection laws.

Is it not inconsistent to permit the products of child labor from foreign countries to come into competition in the American market with our own goods, upon which child labor is not permitted? Does it not defeat every effort on our part to better labor conditions in America? Does it not drag down the American standard to the plane on which we do not want Americans to live?

Mr. GARRETT of Tennessee. Will the gentleman yield further?

Mr. FORDNEY. Let me conclude this and I will yield to the gentleman.

Gentlemen, it is my candid opinion, with all due respect to you—you are the best fellows on earth—the election of a free-trade President and Congress in 1912 was the most disastrous event that has happened to this country for many years, and the ill effects from it will be long felt by the people of this country. The leader of the free-trade party, a Democrat, wrote in his New Freedom:

Why should the boasted genius of America become afraid to go out into the open and compete with the world?

In his message calling Congress into extra session he said:

The country must get rid of artificial advantage and thrive by the law of nature. Henceforth the object of the tariff duties must be effective, the whetting of American wit by contact with the wits of the rest of the world.

I want to tell you that it is a pretty difficult matter to whet wits with the little Japanese who receives 20 cents a day in gold for 12 hours a day work when the American laboring man receives some \$4 to \$10 for a day of 8 hours. I hope the ex-President may live long and have plenty of time to whet his wits on that question. [Applause on the Republican side.]

Now, let me call the attention of the House to this: In the Payne tariff law there was a duty on wool. In the Underwood tariff law, in the framing of which my beloved friend from Texas [Mr. GARNER] took part—and I admire him for it; he is a lovely character; he is my dear friend—he saw to it that wool went on the free list but that Angora goat hair was protected with a duty of 15 per cent ad valorem. [Applause on the Republican side.] Now, the census of 1910 showed that there were, in round numbers, 54,000,000 sheep in the United States. I received information afterwards—which was an estimate, of course—that in 1912 there were nearly 58,000,000 sheep in the United States. Under the effect of the Underwood tariff law the census of 1920 showed that there were 35,000,000 sheep in the United States, a loss of 35 per cent. In 1910 there were 2,900,000 Angora goats in the United States, and in 1920, 3,500,000.

My Texas friend, your people ought to send you here as long as you are alive. [Applause.]

Mr. CARTER. They will do it.

Mr. FORDNEY. You look after the interests of Texas, but to those who have at heart the interests of Oregon and Washington woolgrowers you will go down in history as "Angora goat JACK GARNER." [Laughter.]

The total production of wool in the world last year was 2,800,000,000 pounds. We produced in the United States 300,000,000 pounds of that total, or 11.7 per cent. But we consume 23 per cent of the world's production. That is evidence that we are the best-clothed people on the face of the earth. [Applause.]

A Southern Senator recently in a speech at Boston, Mass., pointed to the great prosperity of this country during the last four or five years, and said that the prosperity of this great Nation during that time had "blossomed like a rose." Oh, yes; oh, yes, my friends; but he forgot that during that time 7,500,000 men laid down their lives upon the battle fields of Europe. Forty million men were under arms. Forty million men were removed from the ordinary pursuits and engaged in destroying property and human life, and Europe called on the United States for products of which they were short. Oh, he forgot; he forgot, my friends, that instead of this country "blossoming

like a rose" during that time, the bloody field of battle in a foreign land was strewn with the flower of the nations. That is what caused high prices in this country, not the Underwood law nor any political influence. [Applause.]

Mr. HARDY of Texas. Mr. Chairman, will the gentleman yield for a question there?

Mr. FORDNEY. Yes.

Mr. HARDY of Texas. How does the gentleman account for the reduction of the number of sheep when wool was selling higher than it ever did before?

Mr. FORDNEY. Oh, the whole world was short of everything. The supply was reduced because of the war, and you and I know that for anything that any man produced he could get any price he asked, because the whole world was demanding supplies. But war conditions did not prevail during the entire life of the act of 1913, and the fact remains that under free trade the sheep flock was sacrificed, while the goat flock, with a moderate tariff on goat hair, increased. We got on the crest of the wave in the cost of production and in high prices, my friends, and we are now going down the toboggan slide. Supply and demand hereafter will regulate those things, and more so than anything else in the world.

Mr. HARDY of Texas. Does the gentleman admit, then, that the tariff had nothing to do with the reduced number of sheep?

Mr. FORDNEY. Not after the war was on; and I think you will admit it if you will speak frankly.

Mr. HARDY of Texas. I think it had nothing to do with either the reduction of the number of sheep or the high price.

Mr. FORDNEY. If you think that the high price of wool was caused by the Underwood tariff bill, you are mistaken.

Mr. HARDY of Texas. The gentleman claims that the reduction in the number of sheep was due to the Underwood tariff bill. You are taking the position that the sheep disappeared because of the Underwood bill, and then you say that it had no effect because of the war. [Applause.]

Mr. FORDNEY. Oh, no. You may get in a shot once in a while that you know is incorrect, my friend.

Mr. HARDY of Texas. Oh, no. I merely tried to correct the gentleman.

Mr. FORDNEY. The wool industry is a great one. In the Underwood tariff bill practically every article produced by the farmer of the North was placed on the free list, and you held out the encouragement to the farmer in your campaign at that time that by putting wool on the free list it would increase the price of wool to the farmer, while you used the argument to the laboring man that it would lower the cost of his clothing. You said if you put wheat on the free list it would increase the price of wheat to the farmer and lower the price of bread to the consumer. You remind me of an old story that I once told here in the House, for which perhaps I should have apologized. It is like the old Indian doctor that called to see a sick boy who had chills and fever. He asked the mother of the boy for two glasses of water, and she gave them to him, and then he took a knife and scraped some bark off a root and put it in one glass, and scraped some more bark off the same root and put it in another glass, and he said to the mother, "Give this first one to the boy for the fever, and this second one for the chills." "Oh," said the mother, "they are both off the same root." He said, "Oh, no; they are not." She said, "I saw you scrape the bark off the same root and put it in the glasses." He said, "But you did not see how I did it. This for the fever I scraped off the root upward. That is for the highcockalorum. This for the chills I scraped down on the root. That he will take for the lowcockalohighrum." [Laughter.] When you said to the farmer that the Underwood bill would increase the price he would receive for his product, and to the consumer that it would lower the price that he had to pay, you played the part of the old Indian doctor.

Let me tell you, gentlemen, I was a miller for several years. I owned a grist mill, and know something about grinding wheat. Any miller can sell a barrel of flour for the price he pays for the wheat to make that flour and make his profit and cost of conversion out of the by-products. Let me illustrate: Five bushels of wheat will make 196 pounds of flour, or a barrel of flour. One bushel of 60 pounds will produce 40 pounds of flour and 16 pounds of by-products—bran and middling; 80 pounds of bran and middling out of 5 bushels of wheat.

At \$32 a ton you can see that that would be a little better than one and a half times \$2, or \$1.26. That \$1.26 value of his by-product should cover his cost of producing a barrel of flour and his profit. Wheat is selling to-day in this country for \$1.16 a bushel. I understand that in Canada it is down to \$1 a bushel. A barrel of flour should be sold at the mill to-day for \$5. Yesterday I obtained from a wholesaler in this town

the wholesale price on two grades of flour—\$7.25 for low grade and \$10.75 a barrel for high grade. Somewhere along the line between the farmer and the consumer an extortionate enormous profit is being exacted. I do not know whether it is the manufacturer or the retailer, but a wholesaler told me yesterday that right in this city flour is selling as high as 3 cents a pound more than the wholesale price.

Mr. GARNER. Will the gentleman yield?

Mr. FORDNEY. I yield to the gentleman from Texas.

Mr. GARNER. The gentleman got his majority in November upon the proposition that he was going to remedy that situation. I would like to ask him what has he done to remedy it?

Mr. FORDNEY. Great God! Have you not seen it? We have brought in here a bill of 346 pages to remedy it. [Laughter and applause.]

Mr. BLACK. Will the gentleman yield?

Mr. FORDNEY. I have detained the House too long, but I will yield to my friend from Texas for a question.

Mr. BLACK. One question. If wheat was worth \$1.25 when the emergency tariff law was passed and is now worth \$1, how much will it be worth when this bill passes? [Applause.]

Mr. FORDNEY. I will tell you, my brother. That depends on the amount of Canadian wheat that comes in, and the bill will not let in Canadian wheat, but it will save to the American farmer the right to raise a bushel of wheat instead of transferring that right to Canada. [Applause.]

Now, gentlemen of the House, there are, in round numbers, in the Underwood tariff law 300 items upon the free list, and all its other items are so close to the free-trade door that there is but little space between them.

We have transferred from the free list to the dutiable list 110 items out of the 300 in the Underwood law, many of them agricultural products. We believe by that we are going to help maintain our standard of living and our scale of wages in this country.

You may say, "Why did you protect this or that industry by putting a duty upon it?" I have here a statement of the capital invested, the annual output, the annual pay roll, and the number of people employed in the great steel industry of the United States. The United States Steel Corporation last year, out of a total production of more than 32,000,000 tons of all kinds of iron and steel, produced 13,500,000 tons, or 41.6 per cent of the total production in the United States.

In 1901 the pay roll of the United States Steel Corporation alone was \$120,000,000, or \$2.31 a day average wages. In 1920 they had in their employ 267,500 people, and the average daily wage was \$7 a day, or \$581,000,000, and they produced, as I have said, 41 per cent of the total production of all the steel produced in the United States. I am indebted to Mr. Hughes, an employee of that corporation, for this statement. The gentleman from Connecticut [Mr. TILSON] will explain it more fully. That corporation has 186,400 stockholders, 74,000 of whom are employees. Thirty-four per cent of the total stockholders of the United States Steel Corporation are women. That corporation has, in round numbers, \$150,000,000 invested in halls, churches, hospitals, parks, and places of recreation for its employees, which is most generous and praiseworthy on the part of that company. I commend that to your consideration. You know it is said that a corporation has no soul, and everybody is ready to kick a corporation. I wish my home town was surrounded by great industries owned by corporations. I would be assured that my neighbor who needs employment would find it there. [Applause.] A combination of capital properly regulated and honestly and efficiently handled is a great benefit.

No man on earth can do a greater good to his less fortunate fellow man than to furnish him employment in order that he may have a fair competence to furnish the necessities of life to his wife and his little children. No matter how poor he may be he loves his wife and children as you and I love ours, and it is our duty, my friends, to legislate in his behalf.

Gentlemen, Canada at the north of us is our best customer. Canada buys a greater percentage of our exports in proportion to her imports coming into our country than any other country.

Gentlemen of the House, in revising our revenue laws, both our import duties and our internal tax provisions, and paying or extending the time of payment of more than \$7,500,000,000 of Government obligations, all of which fall due within 22 months from now, we have a difficult task before us. A great many of the people of the whole world are dissatisfied. There is something wrong; the world is out of tune. Class hatred is running rampant. The radicals are abroad in the land; the anarchist bolder than ever, and bidding defiance to all laws. Highwaymen, bank robbers, and thugs are more numerous than ever before. Why all this? Can we not help in some way to

restore confidence? Both labor and capital must work in harmony, or neither can succeed. Between labor and capital confidence is sadly lacking. Unemployment is everywhere. What is really the trouble? The sun shines as brightly as ever, the streams flow as gently, and our lands and mines are as productive. Our flag never floated so proudly before us. Let us tighten our belts and with greater courage and firmness take up the task that is ours to do—namely, reduce our expenditures, repeal some of the war taxes, abolish useless Government agencies, and provide, instead of Government control and dictation, more Government aid to our industries.

Gentlemen, I have much to say, but I am going to conclude very quickly. I have detained you too long and I know that you are tired. I would like to touch generally on all the industries of the land and give reasons why in our judgment we should give some protection to those industries. You must remember that in every industry great or small in the United States is employed American labor, men who voted for you and for you; but whether they voted for you or not you are their representatives here, and it is your duty, my friends, to legislate for one and all alike.

The silk industry is one of great importance. Two hundred million dollars is invested in the silk industry and the product of these factories amounts to \$800,000,000 in value. The pay roll runs up into millions of dollars. Why not protect that industry adequately? The products of that great industry are luxuries most generally. We feel that we have placed in the bill rates of duty as near as we could agree upon them that are adequate protection to that industry; and so we have in the woolen industry, in the cotton industry, in the steel industry, and every other industry in the land. This will stimulate employment and restore business in general.

Sugar is a principal article of food. We produce at home 25 per cent of our annual consumption, and we import from our insular possessions 25 per cent of the total consumption and we bring in the rest as duty-paid sugar. While we have but one-sixteenth of the total population of the world we consume one-quarter of the total production of sugar. What I would like to see, knowing that we have the capital, knowing that we have the soil, the energy, and the ingenuity, is that the United States produce all the sugar the people in this country consume. I know it can be accomplished if we will give adequate protection to the industry.

Mr. RAKER. Will the gentleman yield?

Mr. FORDNEY. Yes.

Mr. RAKER. Generally speaking, do the rates as fixed in the bill equalize the difference of cost of production in the United States with the cost of production abroad?

Mr. FORDNEY. We have done that as nearly as in our power with the information at our disposal. Of course, it depends upon where the competition comes from. We have legislated against the country that competes with us. Before the war many things which were made in Europe and largely in Germany are now being made in the Orient, where is found the cheapest labor in the world, and therefore in many lines we have to consider the Orient.

Mr. RAKER. Taking the cost of production abroad and the rates fixed for importation to the United States added, does that in a majority of cases equal the cost of like articles in the United States?

Mr. FORDNEY. In the majority of cases, yes. Under the American valuation, with whatever rate we adopt, every country will pay a like amount of duty. American valuation is a step in the right direction, but still we can not, while we are competing with two or three countries, place the duty sufficiently high to protect against the lowest cost of production in the world, for if we did that it might operate as an embargo against the rest of the world. We have as nearly as we possibly could made it equitable to the whole world.

Mr. RAKER. One more question: Are there any number of items in the bill upon which the rate is so high that the cost abroad with the rate fixed would place an embargo on the importation?

Mr. FORDNEY. I do not think so; not intentionally so.

Mr. MOORE of Virginia. Will the gentleman yield for a question?

Mr. FORDNEY. Yes.

Mr. MOORE of Virginia. Before the gentleman concludes, I would like to ask him whether there will be available a statement comparing the rates in this bill with the rates of the Underwood bill and the rates of the Payne-Aldrich bill?

Mr. FORDNEY. I do not think so. I shall have to refer the gentleman to the Underwood bill and the Payne bill for the comparison. There are 10,000 items in the bill, and we did

not have time. It is late in the summer. People are impatient; they want an internal-revenue revision, and that comparison would only be a matter of convenience to Members and would not have any effect on the rates in this bill at all.

Mr. HILL. Will the gentleman yield?

Mr. FORDNEY. Yes.

Mr. HILL. This index gives a reference to every item in this bill which can be referred to the old bill?

Mr. FORDNEY. Yes.

Gentlemen, I have before me a tariff bill of Spain. Spain recently placed a duty of 10½ cents a pound on sugar, 64 cents a bushel on wheat, \$3.65 on a barrel of flour, 15½ cents a pound on butter, 24 to 44 cents a pound on coffee, depending on whether it is roasted or ground. Other countries of the world are doing likewise. Canada has just changed her manner of collecting ad valorem duties from foreign to the home value. France, Australia, and New Zealand have enacted similar proposals, and we are following suit.

In conclusion, let me call attention to one matter: Before the war our chemical industry was in its infancy. To-day it has grown to be of considerable importance in the world.

Before the war the total world production of dyestuffs was, in round numbers, \$100,000,000. We consumed about 14 or 15 per cent of the total world production. Germany produced about 35 per cent of the total world production of chemicals, and especially dyestuffs. Now, with our antidumping bill, with American valuation, with an adequate tariff law, we will try to foster that great industry in this country. More consideration has been given to the chemical schedule, perhaps, than to any other in the bill, and my good friend from Ohio [Mr. LONGWORTH], who has given more time and thought and care and labor to that schedule than anyone else, when he takes the floor will explain it in a most careful and detailed manner.

Gentlemen, I thank you for your patience, and to my Democratic friends I want to say, God bless you. I hope every one of you on the morning of the 21st of July, when you wake up and prepare yourselves to come here on that date to vote on this bill, will dress yourselves in your protection clothes and vote with us to make the thing unanimous. [Prolonged applause and laughter.]

Mr. Chairman, I will ask my good friend from Texas [Mr. GARNER] what he wishes to do.

Mr. GARNER. Mr. Chairman, if I had my choice about it I would prefer to go over until to-morrow, but I do not want the House to lose the time which might be occupied between now and, say, half past 5.

Mr. GARRETT of Tennessee. Mr. Chairman, the rule has not yet been adopted fixing the time for debate upon this bill. We have just listened to the opening of the discussion on a very important matter and I presume it is the desire of Members to meet at 11 o'clock to-morrow.

Mr. FORDNEY. Yes.

Mr. GARRETT of Tennessee. It seems to me in those circumstances that the committee might rise now and the House adjourn.

Mr. FORDNEY. I am very glad to agree to that, and if we run short of time and wish to discuss the matter some evening, we will be glad to do that and make up the time which we lose to-day.

Mr. MONDELL. Mr. Chairman, out of deference to the minority, who will have a difficult time answering the argument of the gentleman from Michigan, I think the committee might rise.

Mr. FORDNEY. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and Mr. WALSH having resumed the chair as Speaker pro tempore, Mr. CAMPBELL of Kansas, 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. 7456, the tariff bill, and had come to no resolution thereon.

LEAVE OF ABSENCE.

By unanimous consent leave of absence was granted to—
Mr. DRIVER, for two days, on account of important business.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Craven, one of its clerks, announced that the Senate had passed without amendment joint resolution (H. J. Res. 32) to change the name of the Grand River in Colorado and Utah to the Colorado River.

Mr. MONDELL. Mr. Speaker, I ask unanimous consent that when the House adjourns to-day it adjourn to meet at 11 o'clock to-morrow morning.

The SPEAKER pro tempore. Is there objection?
There was no objection.

Mr. FORDNEY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 4 o'clock and 13 minutes p. m.), in accordance with the order heretofore adopted, the House adjourned until to-morrow, Saturday, July 9, 1921, at 11 o'clock a. m.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

188. Letter from the Secretary of War, transmitting with a letter from the Chief of Engineers report on preliminary examination of channel leading from Oyster, Northampton County, Va., to the Atlantic Ocean; to the Committee on Rivers and Harbors.

189. Letter from the Acting Secretary of the Navy, transmitting a dispatch from the American ambassador to China, recommending indemnity to the widow of a Chinese citizen, Chang Tsu Tsao, who was thrown overboard from an American naval vessel and his body not recovered; to the Committee on Claims.

Under clause 2 of Rule XIII,

Mr. WEBSTER, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 7328) to authorize the construction of a bridge across the Pend d'Oreille River, Bonner County, Idaho, at the Newport-Priest River road crossing, Idaho, reported the same with an amendment, accompanied by a report (No. 253), which said bill and report were referred to the House Calendar.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. HICKEY: A bill (H. R. 7656) to provide for the appointment of an additional district judge in the district of Indiana, for the establishment of judicial divisions in the said district, and for other purposes; to the Committee on the Judiciary.

By Mr. KAHN: A bill (H. R. 7657) to amend section 13a of an act entitled "An act to amend an act entitled 'An act making further and more effectual provisions for the national defense, and for other purposes,' approved June 3, 1916, and to establish military justice," approved June 4, 1920; to the Committee on Military Affairs.

By Mr. NORTON: A bill (H. R. 7658) to amend the act approved August 25, 1919, entitled "An act for the relief of contractors and subcontractors for the post offices and other buildings and work under the supervision of the Treasury Department, and for other purposes"; to the Committee on Public Buildings and Grounds.

By Mr. FOCHT: A bill (H. R. 7659) to regulate the practice of undertaking and embalming in the District of Columbia, and to safeguard the public health; to the Committee on the District of Columbia.

By Mr. ZIHLMAN: A bill (H. R. 7660) granting pension to all policemen and firemen of the district of Columbia who were retired previous to the act of December 5, 1919; to the Committee on the District of Columbia.

Also, a bill (H. R. 7661) to amend the act of Congress entitled "An act to establish standard weights and measures for the District of Columbia; to define the duties of the superintendent of weights, measures, and markets of the District of Columbia, and for other purposes," approved March 3, 1921; to the Committee on the District of Columbia.

By Mr. ANSORGE: Joint resolution (H. J. Res. 172) granting consent of Congress to an agreement or compact entered into between the State of New York and the State of New Jersey for the creation of the "Port of New York district" and the establishment of the "Port of New York authority" for comprehensive development of the port of New York; to the Committee on the Judiciary.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BIRD: A bill (H. R. 7662) for the relief of F. R. Messenger; to the Committee on Claims.

By Mr. ELLIOTT: A bill (H. R. 7663) granting a pension to Nora H. Dobbins; to the Committee on Invalid Pensions.

By Mr. FOCHT: A bill (H. R. 7664) granting a pension to Theodosia Harris; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7665) granting a pension to Priscilla Boyer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7666) granting an increase of pension to Harry H. Sieg; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7667) for the relief of Sylvester B. Woollett; to the Committee on Military Affairs.

By Mr. FRENCH: A bill (H. R. 7668) granting a pension to Eli Spitzer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7669) granting a pension to William S. Ritman; to the Committee on Pensions.

By Mr. GREEN of Iowa: A bill (H. R. 7670) granting an increase of pension to Peter McLaughlin; to the Committee on Pensions.

By Mr. HADLEY: A bill (H. R. 7671) providing for a survey of river conditions on Puget Sound, Wash.; to the Committee on Rivers and Harbors.

By Mr. LINTHICUM: A bill (H. R. 7672) granting an increase of pension to Sarah Jane Ross; to the Committee on Invalid Pensions.

By Mr. MCKENZIE: A bill (H. R. 7673) granting an increase of pension to Nellie Hubacher; to the Committee on Invalid Pensions.

By Mr. MOORES of Indiana: A bill (H. R. 7674) granting a pension to Samuel W. Farmer; to the Committee on Invalid Pensions.

By Mr. MUDD: A bill (H. R. 7675) granting an increase of pension to Laura J. Lowman; to the Committee on Invalid Pensions.

By Mr. PURNELL: A bill (H. R. 7676) granting a pension to Malinda C. Greyer; to the Committee on Invalid Pensions.

By Mr. REAVIS: A bill (H. R. 7677) granting an increase of pension to Dewey C. Shaw; to the Committee on Pensions.

By Mr. REED of New York: A bill (H. R. 7678) for the relief of the estate of John Stewart, deceased; to the Committee on Claims.

By Mr. TAYLOR of Tennessee: A bill (H. R. 7679) for the relief of William C. Chandler; to the Committee on Military Affairs.

By Mr. THOMAS: A bill (H. R. 7680) for the relief of John H. Wingfield; to the Committee on Military Affairs.

Also, a bill (H. R. 7681) granting a pension to Decatur D. Kinser; to the Committee on Pensions.

By Mr. WINGO: A bill (H. R. 7682) for the relief of Jesse L. Meeks; to the Committee on Military Affairs.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

1811. By the SPEAKER (by request): Petition of W. J. Keely and 299 others, of the tenth congressional district of Missouri, and of Thomas H. Masterson and 509 others, of the twentieth congressional district of Ohio, urging recognition for the Irish republic; to the Committee on Foreign Affairs.

1812. By Mr. BURDICK: Resolution of American citizens of Polish descent, of Rhode Island, concerning policies pursued toward Poland; to the Committee on Foreign Affairs.

1813. By Mr. BURTON: Petition of divers citizens of Defiance and Lima, Ohio, praying for recognition of the Irish republic; to the Committee on Foreign Affairs.

1814. Also, resolutions adopted by the Savings Bank Association of the State of New York, favoring an amendment to the Constitution of the United States, empowering on the one hand the Federal taxation of the income from future obligations of the States and their political subdivisions and on the other hand the taxation of future obligations of the United States by States and their political subdivisions; to the Committee on Banking and Currency.

1815. Also, resolution adopted by divers citizens of Cleveland, Ohio, praying for the inauguration of universal physical education through the cooperation of Federal, State, and local Governments, as embodied in the Fess-Capper bills; to the Committee on Education.

1816. Also, resolution from the Cleveland Chamber of Commerce, protesting against the passage of Senate bill 24 and praying for equal tolls on vessels passing through the Panama Canal; to the Committee on Interstate and Foreign Commerce.

1817. By Mr. CULLEN: Petition of William C. Mathews and 35 others, protesting against the proposed duty of 2 cents per pound on tin; to the Committee on Ways and Means.

1818. By Mr. DARROW: Resolution adopted by the congregation of Calvary Methodist Episcopal Church of Philadelphia, protesting against the antiprohibition parade in New York on July 4 and urging further legislation to make the Volstead Act more effective; to the Committee on the Judiciary.

1819. By Mr. FENN: Petition of L. E. Hinckley, commander, and 82 members of General O. O. Howard Camp, No. 7, National Indian War Veterans, Soldiers' Home, Calif., asking pension justice for veterans; to the Committee on Pensions.

1820. Also, petition of Mrs. C. Mulrain and others, citizens of Hartford, etc., requesting recognition of the Irish republic; to the Committee on Foreign Affairs.

1821. Also, petition of William F. Tierney and others, citizens of Hartford, Conn., seeking recognition of the Irish republic; to the Committee on Foreign Affairs.

1822. By Mr. KENNEDY: Resolution of the Polish citizens of the State of Rhode Island, respecting controversy between the Polish residents of Upper Silesia and Germany and protesting against the policy of the English and Italian premiers in their attitude and conduct toward Poland; to the Committee on Foreign Affairs.

1823. By Mr. KISSEL: Petition of Seldner & Enequist (Inc.), Brooklyn, N. Y., urging relief for people in the Near East; to the Committee on Foreign Affairs.

1824. Also, petition of the Asphalt Association, New York City, N. Y., protesting against any tariff on crude oil; to the Committee on Ways and Means.

1825. By Mr. RAKER: Petition of American Petroleum Co., California Petroleum Co., American Oil Fields Co., Petroleum Midway Co. (Ltd.), Midland Oil Fields Co. (Ltd.), Niles Lease Co., Red Star Petroleum Co., California Star Oil Co., Maricopa Star Oil Co., Coalina Star Oil Co., and Salvia Oil Co., all of Los Angeles, Calif., protesting against any import duty on oil; to the Committee on Ways and Means.

1826. Also, petition of Olin Wellborn, jr., Doheny Pacific Petroleum Co., Pan-American Petroleum Co., Independent Oil Producers' Agency of Los Angeles, California Oil World, and Chamber of Mines and Oil, all of Los Angeles, Calif., protesting against any import duty on oil; to the Committee on Ways and Means.

1827. Also, petition of Caroline E. Bascom, of Sisson, Calif., urging relief for the people of the Near East; to the Committee on Foreign Affairs.

1828. Also, petition of Fletcher Hamilton, California State mineralogist, urging tariff of 35 cents on quicksilver; to the Committee on Ways and Means.

1829. Also, petition of General O. O. Howard Camp, No. 7, National Indian War Veterans, Soldiers Home, Calif., urging increased pensions for Indian war veterans; to the Committee on Pensions.

1830. Also, petition of American Automobile Association, protesting against a tariff on oil; to the Committee on Ways and Means.

1831. Also, petition of D. J. Foley, Yosemite; J. W. Mills, Fairfield; San Francisco Lodge of Perfection, No. 1, Ancient and Accepted Scottish Rite of Free Masons; J. R. Terrell, of Westwood, all of California, indorsing House bill 7 and Senate bill 1252; to the Committee on Education.

1832. By Mr. REBER: Petition of membership of 300 of St. Paul's Lutheran Church, of Gordon, Pa., urging world disarmament and settlement of all disputes by arbitration; to the Committee on Foreign Affairs.

1833. By Mr. RIORDAN: Petition of 74 citizens of the eleventh congressional district of New York, urging relief for peoples in the Near East; to the Committee on Foreign Affairs.

1834. By Mr. ROGERS: Petition of Denis Brassill and 89 others, of Massachusetts, urging the United States to recognize the Irish republic; to the Committee on Foreign Affairs.

1835. By Mr. VARE: Memorial of Philadelphia Board of Trade, opposing enactment of House bill 5676; to the Committee on Agriculture.

1836. By Mr. YOUNG: Resolution of the Walton Equity Exchange, of Walton, Ill., favoring the enactment of legislation providing that the United States place representatives in foreign countries to collect and transmit information regarding crop and grain conditions abroad, and for other purposes; to the Committee on Agriculture.

1837. Also, resolution of the Prospect Farmers' Exchange Co., of Prospect, Ohio, favoring the enactment of legislation providing that the United States place representatives in foreign countries to collect and transmit information regarding crop and grain conditions abroad, and for other purposes; to the Committee on Agriculture.

1838. Also, resolutions of the Bluffs Farmers' Grain Co., of Bluffs, Ill., favoring the enactment of legislation providing that the United States place representatives in foreign countries to collect and transmit information regarding crop and grain conditions abroad, and for other purposes; to the Committee on Agriculture.

1839. Also, resolution of the Meredosia Farmers' Elevator Co., of Meredosia, Ill., favoring the enactment of legislation providing that the United States place representatives in foreign countries to collect and transmit information regarding crop and grain conditions abroad, and for other purposes; to the Committee on Agriculture.

1840. Also, resolution of the Lanesville Farmers' Grain Co., of Lanesville, Ill., favoring the enactment of legislation providing that the United States place representatives in foreign countries to collect and transmit information regarding crop and grain conditions abroad, and for other purposes; to the Committee on Agriculture.

1841. Also, resolution of the Hammond Elevator Co., of Hammond, Ill., favoring the enactment of legislation providing that the United States place representatives in foreign countries to collect and transmit information regarding crop and grain conditions abroad, and for other purposes; to the Committee on Agriculture.

1842. Also, resolution of the Fairmount Cooperative Association, of Fairmount, Ill., favoring the enactment of legislation providing that the United States place representatives in foreign countries to collect and transmit information regarding crop and grain conditions abroad, and for other purposes; to the Committee on Agriculture.

1843. Also, resolution of the Waldo Cooperative Elevator Co., of Waldo, Ohio, favoring the enactment of legislation providing that the United States place representatives in foreign countries to collect and transmit information regarding crop and grain conditions abroad, and for other purposes; to the Committee on Agriculture.

1844. Also, resolution of the Spencerville Farmers' Union Co., of Spencerville, Ohio, favoring the enactment of legislation providing that the United States place representatives in foreign countries to collect and transmit information regarding crop and grain conditions abroad, and for other purposes; to the Committee on Agriculture.

1845. Also, resolution of the Emery Farmers' Grain Co., of Emery, Ohio, favoring the enactment of legislation providing that the United States place representatives in foreign countries to collect and transmit information regarding crop and grain conditions abroad, and for other purposes; to the Committee on Agriculture.

1846. Also, resolution of the Cedarville Farmers' Grain Co., of Cedarville, Ohio, favoring the enactment of legislation providing that the United States place representatives in foreign countries to collect and transmit information regarding crop and grain conditions abroad, and for other purposes; to the Committee on Agriculture.

1847. Also, resolution of the Peabody Cooperative Co., of Peabody, Ind., favoring the enactment of legislation providing that the United States place representatives in foreign countries to collect and transmit information regarding crop and grain conditions abroad, and for other purposes; to the Committee on Agriculture.

1848. Also, resolution of the Woodburn Equity Exchange, Woodburn, Ind., favoring the enactment of legislation providing that the United States place representatives in foreign countries to collect and transmit information regarding crop and grain conditions abroad, and for other purposes; to the Committee on Agriculture.

1849. Also, resolution of the Edon Farmers' Cooperative Co., of Edon, Ohio, favoring the enactment of legislation providing that the United States place representatives in foreign countries to collect and transmit information regarding crop and grain conditions abroad, and for other purposes; to the Committee on Agriculture.

1850. Also, resolution of the Sadorus Grain & Coal Co., of Sadorus, Ill., favoring the enactment of legislation providing that the United States place representatives in foreign countries to collect and transmit information regarding crop and grain conditions abroad, and for other purposes; to the Committee on Agriculture.

1878. Also, resolution of the La Fayette Cooperative Co., of La Fayette, Ohio, favoring the enactment of legislation providing that the United States place representatives in foreign countries to collect and transmit information regarding crop and grain conditions abroad, and for other purposes; to the Committee on Agriculture.

1879. Also, resolution of the West Cairo Farmers' Elevator Co., of West Cairo, Ohio, favoring the enactment of legislation providing that the United States place representatives in foreign countries to collect and transmit information regarding crop and grain conditions abroad, and for other purposes; to the Committee on Agriculture.

1880. Also, resolution of the Gilbert Grain Co., of Gilbert, Iowa, favoring the enactment of legislation providing that the United States place representatives in foreign countries to collect and transmit information regarding crop and grain conditions abroad, and for other purposes; to the Committee on Agriculture.

1881. Also, resolution of the Farmers' Cooperative Co., of Roland, Iowa, favoring the enactment of legislation providing that the United States place representatives in foreign countries to collect and transmit information regarding crop and grain conditions abroad, and for other purposes; to the Committee on Agriculture.

HOUSE OF REPRESENTATIVES.

SATURDAY, July 9, 1921.

The House was called to order at 11 o'clock a. m. by Mr. WALSH as Speaker pro tempore.

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

Our Heavenly Father, Thou art the creator of the morning light and our divine guardian through the still watches of the night season. Therefore we pause at the threshold of our labors to give Thee praise. Thy providences are so generous in the ministries of their love. We thank Thee for Thy will concerning us. Teach us that life in its divinest essence is nobility of soul, purity of heart, and a zealous activity in doing that which is good. May we this day walk worthily, labor justly, and hate and despise cowardice and falsehood. Through Jesus Christ our Lord. Amen.

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

HERMAN A. PHILLIPS.

Mr. IRELAND. Mr. Speaker, I ask consideration for the privileged resolution which I send to the Clerk's desk.

The SPEAKER pro tempore. The Clerk will report the resolution.

The Clerk read as follows:

House resolution 59.

Resolved, That the Clerk of the House of Representatives be directed to pay, out of the contingent fund of the House, to Nellie May Phillips, widow of Herman A. Phillips, late Journal clerk of the House of Representatives, a sum equal to one year's salary as Journal clerk, and that the Clerk be further directed to pay out of the contingent fund the expenses of the last illness and funeral of said Herman A. Phillips, such expenses not to exceed \$250.

The committee amendment was read, as follows:

On page 1, line 5, of the resolution, strike out "one year's" and insert in lieu thereof "six months," so that it will read "a sum equal to six months' salary as Journal clerk."

Mr. IRELAND. Mr. Speaker and gentlemen of the House, this is the usual resolution for the dependents of a deceased employee of the House, with this exception, that the original resolution as drawn provided for the payment of one year's salary to the dependents of the deceased employee, and the custom for ordinary employees of the House has been to pay six months' salary and funeral expenses not to exceed \$250 in amount. It has been found to be the precedent, however, of the House that officers of the House and employees of the so-called Clerk's desk have been paid a full year's salary. In committee this resolution was amended to conform to the ordinary resolution. I gave notice before the committee at that time that I should oppose the amendment, and do so now. The family of the deceased employee were led to believe while in his last illness that should he fail to recover therefrom they would receive one year's full salary, and that was the impression and the understanding of his associates. I yield to the gentleman from Illinois [Mr. MANN].

The SPEAKER pro tempore. The gentleman from Illinois is recognized for five minutes.

Mr. MANN. Mr. Speaker, the practice of the House has been to pay a year's salary to the widow or dependents of a Member of the House, six months' salary to the ordinary employee of the House, and a year's salary to the widow or dependents of one of the elected officers of the House. Apparently the precedents are that the practice has been to pay a year's salary to the widow or dependents of clerks at the desk,

including the Official Reporters of the House. The precedents are not numerous. The last time an officer or clerk at the desk died was in 1887. A reading clerk died and the House proceeded to pay the widow of the reading clerk one year's salary. Prior to that time Mr. Hincks, one of the Official Reporters of the House, died, and the Committee on Accounts did not recommend a year's salary, but the House increased the amount and paid a year's salary to the widow of the reporter. Again, when Mr. McElhone, one of the Official Reporters, died, the Committee on Accounts recommended that his widow be paid one year's salary, and the House so voted, and he was so paid.

I brought Herman Phillips here to the House nearly 24 years ago as assistant Journal clerk. Shortly afterwards he became Journal clerk of the House. From then on he was Journal clerk during all of the time except when the Democratic side of the House was in control of the House. He had a long and very severe illness, a very expensive illness. It was unfortunate for him that I brought him here. He would have probably died worth considerable money if he had remained at home in Chicago, but I induced him to come down here. He was an expert man in the House, both as a Journal clerk and as an aid in parliamentary work. I think the House can afford to follow the few precedents which have been set, there being no precedents on the other side, and pay his widow as the widow of a clerk at the desk, a full year's salary; and I hope that the amendment reducing the amount to six months' salary may be defeated.

The SPEAKER pro tempore. The question is upon the committee amendment.

The question was taken, and the Speaker pro tempore announced the yeas appeared to have it.

On a division (demanded by Mr. BLANTON) there were—ayes 7, noes 67.

So the amendment was rejected.

The SPEAKER pro tempore. The question is on the passage of the resolution.

The question was taken, and the resolution was agreed to.

On motion of Mr. MANN, a motion to reconsider the vote by which the resolution was agreed to was laid on the table.

Mr. BYRNS of Tennessee. Mr. Speaker—

The SPEAKER pro tempore. For what purpose does the gentleman from Tennessee rise?

SABBATH OBSERVANCE.

Mr. BYRNS of Tennessee. Mr. Speaker, I ask unanimous consent to proceed for not exceeding one minute for the purpose of making an announcement.

The SPEAKER pro tempore. The gentleman from Tennessee asks unanimous consent to proceed for one minute for the purpose of making an announcement. Is there objection? [After a pause.] The Chair hears none.

Mr. BYRNS of Tennessee. Mr. Speaker, Mr. Noah W. Cooper, a gentleman of the highest character and a citizen of my home city of Nashville, Tenn., is chairman of a committee which has been named to secure, if possible, the enactment of national legislation with reference to Sabbath observance. I hold a telegram from him in which he asks me to make public announcement of the fact that he and his committee will be in Washington on July the 14th for the purpose of presenting their appeal to the Members individually and the proper committees having jurisdiction of the subject.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Craven, one of its clerks, announced that the Senate had passed the bill (S. 237) to consolidate certain forest lands within the Humboldt National Forest, in the State of Nevada, and to add certain lands thereto, and for other purposes, in which the concurrence of the House of Representatives was requested.

SENATE BILL REFERRED.

Under clause 2 of Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

S. 237. An act to consolidate certain forest lands within the Humboldt National Forest, in the State of Nevada, and to add certain lands thereto, and for other purposes; to the Committee on the Public Lands.

ENROLLED BILL PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. RICKETTS, from the Committee on Enrolled Bills, reported that July 8 they had presented to the President of the United States for his approval the following bill:

H. R. 5622. An act providing for the appraisal and sale of the Vashon Island Military Reservation, in the State of Washington, and for other purposes.