By Mr. ELLIOTT: A bill (H. R. 11612) granting a pension to Clifford Baldwin; to the Committee on Pensions.

By Mr. KENDALL: A bill (H. R. 11613) granting an increase of pension to Lizzie M. Drayden; to the Committee on Invalid Pensions.

By Mr. LINTHICUM: A bill (H. R. 11614) granting a pension to Annie Rheb; to the Committee on Invalid Pensions.

By Mr. MOTT: A bill (H. R. 11615) granting an increase of pension to Thomas Devine; to the Committee on Pensions.

By Mr. PAIGE: A bill (H. R. 11616) granting a pension to Angelina B. Newell; to the Committee on Invalid Pensions.

By Mr. REECE: A bill (H. R. 11617) for the relief of David E. Goodwin; to the Committee on Military Affairs.

Also, a bill (H. R. 11618) granting a pension to Dudley J. Howell; to the Committee on Pensions.

Also, a bill (H. R. 11619) granting a pension to Lucy C. Range; to the Committee on Pensions.

Also, a bill (H. R. 11620) granting an increase of pension to Charles M. Lusby; to the Committee on Pensions.

Also, a bill (H. R. 11621) granting a pension to James Alford; to the Committee on Pensions.

Also, a bill (H. R. 11622) granting a pension to Benjamin Hammonds; to the Committee on Pensions.

PETITIONS, ETC.

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

5544. By Mr. ANSORGE: Petition of Charles Frederick Carter, opposing bonus legislation and any tariff increases; to the Committee on Ways and Means.

5545. By Mr. BARBOUR: Petition of residents of Exeter, Calif., protesting against H. R. 9753, H. R. 4388, or S. 1948, known as the Sunday laws; to the Committee on the District of Columbia.

5546. Also, petition of residents of Stanislaus County, Calif., protesting against the enactment of H. R. 4388, H. R. 9753, or S. 1948, known as the Sunday observance bills; to the Committee on the District of Columbia.

5547. By Mr. FRENCH: Petition of E. W. Porter and other residents of Idaho, protesting against the enactment of H. R. 9753 and other Sunday bills; to the Committee on the District of Columbia.

5548. By Mr. GLYNN: Petition of Zionists of the State of Connecticut, favoring the Lodge and Fish resolutions, for a Jewish homeland in Palestine; to the Committee on Foreign Affairs.

5549. By Mr. KAHN: Petition of 2,689 citizens and residents of Missouri, in favor of the modification of the Volstead law on prohibition so as to allow the manufacture and sale of light wines and beer; to the Committee on the Judiciary.

5550. By Mr. KISSEL: Petition of the New York Post Office Chauffeurs and Mechanics' Union, Local No. 2, New York, N. Y., relative to certain conditions in the New York post office; to the Committee on the Post Office and Post Roads.

5551. Also, petition of the United Mine Workers Journal, of Washington, D. C., relative to the conditions of coal miners; to the Committee on Labor.

5552. By Mr. LINTHICUM: Petition of Harry L. Henry, of Saranac Lake, N. Y., urging favorable action on Treasury ruling 57; to the Committee on Interstate and Foreign Commerce.

5553. Also, petitions of Cahn Coblens Co., of Baltimore, protesting against proposed increased tariff on linens; W. T. Grieves & Co. and others, of Baltimore, urging protective tariff on certain canned goods; and Nicholas G. Penniman and the Davison Chemical Co., of Baltimore, opposing tax on potash; to the Committee on Ways and Means.

5554. Also, petition of the National Canners' Association, of Aberdeen, Md., opposing Senate bill 3509; to the Committee on Labor.

5555. By Mr. SUMMERS of Washington: Petition of numerous voters of Yakima, Granger, and Zillah, all in the State of Washington, protesting against the passage of House bill 9753 or Senate bill 1948; to the Committee on the District of Columbia.

5556. By Mr. TAYLOR of Colorado: Petition of citizens of Fort Collins, Colo., urging passage of the bill to restore Palestine to the Jewish people as a national homeland; to the Committee on Foreign Affairs.

5557. Also, resolution of the Lions Club of Salida, Colo., protesting against repeal of section 422 of the transportation act; to the Committee on Interstate and Foreign Commerce.

5558. By Mr. TINKHAM: Resolutions adopted by the Massachusetts Commandery of the Naval and Military Order of the Spanish-American War, relative to the strength of the Army; to the Committee on Appropriations.

SENATE.

THURSDAY, *May 11, 1922.*

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

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

THE TARIFF.

The VICE PRESIDENT. The unfinished business, House bill 7456, will be proceeded with.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 7456) to provide revenue, to regulate commerce with foreign countries, to encourage the industries of the United States, and for other purposes.

The VICE PRESIDENT. The Secretary will state the pending amendment.

The ASSISTANT SECRETARY. The next amendment of the Committee on Finance is, on page 4, line 16, where it is proposed to strike out the words "ammonium nitrate" and the comma.

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

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

The VICE PRESIDENT. The Secretary will call the roll.

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

Ball	Frelinghuysen	McCormick	Simmons
Borah	Glass	McCumber	Smoot
Brandegee	Gooding	McKellar	Spencer
Bursum	Hale	McLean	Stanley
Calder	Harreld	McNary	Sterling
Capper	Harris	Nelson	Sutherland
Caraway	Harrison	Newberry	Swanson
Colt	Heflin	Nicholson	Townsend
Culberson	Johnson	Oddie	Underwood
Curtis	Jones, Wash.	Overman	Walsh, Mass.
Dial	Kellogg	Page	Warren
Dillingham	Kendrick	Phipps	Watson, Ga.
du Pont	King	Poindexter	Watson, Ind.
Edge	Ladd	Pomerene	Weller
Elkins	La Follette	Rawson	Willis
Fletcher	Lenroot	Robinson	
France	Lodge	Sheppard	

Mr. HEFLIN. I wish to announce that the Senator from Nebraska [Mr. NORRIS], the Senator from New Hampshire [Mr. KEYES], and the Senator from Illinois [Mr. MCKINLEY] are engaged at a hearing before the Committee on Agriculture and Forestry with reference to the Muscle Shoals project.

Mr. DIAL. I desire to announce that my colleague [Mr. SMITH] is unavoidably detained. I ask that this announcement may continue through the day.

The VICE PRESIDENT. Sixty-six Senators have answered to their names. A quorum is present. The question is on agreeing to the committee amendment.

PETITIONS AND MEMORIALS.

Mr. WILLIS presented petitions of W. G. Dressel and sundry other citizens of Convoy and Ed Delaet and sundry other citizens of Paulding, all in the State of Ohio, praying for the imposition of a tariff duty of $2 per hundred pounds on imported Cuban sugar, which were referred to the Committee on Finance.

He also presented a resolution of the Builders' Exchange, of Akron, Ohio, favoring the enactment of legislation transferring the functions of the Railroad Labor Board to the Interstate Commerce Commission or the creation of a new board of five members, to be appointed by the President, all of whom shall represent the public and whose decisions shall be reviewable by the Interstate Commerce Commission, which was referred to the Committee on Interstate Commerce.

Mr. CAPPER presented a resolution adopted by the convention of the Eastern Osteopathic Association at Atlantic City, N. J., favoring the enactment of legislation for the promotion of physical education in the United States, which was referred to the Committee on Education and Labor.

He also presented a petition of sundry citizens of Dodge City, Kans., praying for the passage of the Dyer antilynching bill, which was referred to the Committee on the Judiciary.

Mr. PAGE presented the memorial of John W. Dow and sundry other citizens of Reading and Felchville, in the State of Vermont, remonstrating against the enactment of legislation providing for compulsory Sunday observance in the District of Columbia, which was referred to the Committee on the District of Columbia.

Mr. SHEPPARD presented petitions of sundry citizens in the State of Texas, praying for the enactment of legislation to control the traffic in narcotic drugs, which were referred to the Committee on Finance.

Mr. NEWBERRY presented a resolution adopted by the Detroit (Mich.) Federation of Labor, favoring the enactment

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of legislation permitting the manufacture and sale of beers and light wines, which was referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of Vassar, North Branch, Silverwood, Clifford, Caseville, Pigeon, Owosso, Linwood, Saginaw, Ashley, Shepherd, Capac, Au Gres, and Caro, and also sundry other citizens, all in the State of Michigan, praying for the imposition of a tariff duty of $2 per hundred pounds on imported Cuban sugar, which were referred to the Committee on Finance.

REPORTS OF COMMITTEES.

Mr. POINDEXTER, from the Committee on Public Lands and Surveys, to which was referred the bill (H. R. 7812) to extend the time for cutting timber in the Coconino and Tusayan National Forests, Ariz., reported it without amendment and submitted a report (No. 699) thereon.

Mr. McKELLAR, from the Committee on Military Affairs, to which was referred the bill (S. 99) to correct the military record of Edgar Durfee, reported it with amendments and submitted a report (No. 700) thereon.

Mr. CAPPER, from the Committee on Claims, to which was referred the bill (H. R. 6628) for the relief of the owners of the British steamship *Clearpool*, reported it without amendment and submitted a report (No. 701) thereon.

ENROLLED BILLS AND JOINT RESOLUTION PRESENTED.

Mr. SUTHERLAND, from the Committee on Enrolled Bills, reported that May 10, 1922, they presented to the President of the United States the following enrolled bills and joint resolution:

S. 1813. An act for the relief of the owner of the steamer *Mayflower;*

S. 1814. An act for the relief of the owner of the steam lighter *Cornelia;*

S. 1817. An act for the relief of the owners of the schooner *Horatio G. Foss;* and

S. J. Res. 132. Joint resolution to authorize the printing of journals, magazines, periodicals, and similar publications, and for other purposes.

BILLS INTRODUCED.

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

By Mr. McCUMBER:

A bill (S. 3580) to extend the time for the construction of a bridge across the Red River of the North at or near the city of Pembina, N. Dak.; to the Committee on Commerce.

A bill (S. 3581) to provide for the expansion and development of Sullys Hill National Park, N. Dak.; to the Committee on Public Lands and Surveys.

By Mr. LADD:

A bill (S. 3582) granting amnesty in certain cases; to the Committee on the Judiciary.

By Mr. NICHOLSON:

A bill (S. 3583) to amend section 9 of the act entitled "An act to provide for stock-raising homesteads, and for other purposes," approved December 29, 1916; to the Committee on Public Lands and Surveys.

By Mr. CALDER:

A bill (S. 3584) authorizing the erection of a public building at St. George, Richmond County, N. Y.; to the Committee on Public Buildings and Grounds.

By Mr. SMOOT:

A bill (S. 3586) to authorize the leasing of public lands in the Territory of Alaska for grazing and fur-farming purposes; to the Committee on Public Lands and Surveys.

THE MUSCLE SHOALS PROJECT.

Mr. NORRIS. Mr. President, I introduce a bill by request. It does not originate with me. I did not draw it, although I am told that it is a modification of a bill I introduced which is now pending before the Committee on Agriculture and Forestry.

In the hearings which have taken place before the committee on the Muscle Shoals proposition Mr. Lloyd, a former Representative in Congress from Missouri, appeared and made a very interesting contribution to our hearings in the way of suggested modifications to the bill, and in order to get it properly before the committee and give the Members of the Senate also an opportunity to examine it he prepared a bill. I am introducing it by request, so that it can be better considered. I ask to have it referred to the Committee on Agriculture and Forestry.

The bill (S. 3585) to provide for the manufacture of explosives for the use of the Army and Navy, to provide for the manufacture of fertilizer for agricultural purposes, to incorporate the Federal Chemical Corporation, and for other purposes, was read twice by its title and referred to the Committee on Agriculture and Forestry.

TARIFF BILL AMENDMENTS.

Mr. LODGE submitted an amendment intended to be proposed by him to House bill 7456, the tariff bill, which was ordered to lie on the table and to be printed.

Mr. SPENCER submitted an amendment intended to be proposed by him to House bill 7456, the tariff bill, which was ordered to lie on the table and to be printed.

Mr. TOWNSEND presented four amendments intended to be proposed by him to House bill 7456, the tariff bill, which were ordered to lie on the table and to be printed.

AMENDMENTS TO RURAL HOMES BILL.

Mr. PHIPPS submitted three amendments intended to be proposed by him to the bill (S. 3254) to encourage the development of the agricultural resources of the United States through Federal and State cooperation, giving preference in the matter of employment and the establishment of rural homes to those who have served with the military and naval forces of the United States, which were referred to the Committee on Irrigation and Reclamation and ordered to be printed.

AMENDMENT TO NAVAL APPROPRIATION BILL.

Mr. FLETCHER submitted an amendment proposing to eliminate from the naval appropriation bill the following paragraph, "The authorization contained in section 2 of the naval appropriation act for the fiscal year 1921 for the employment of 500 reserve officers in the aviation and auxiliary service is hereby repealed," intended to be proposed by him to House bill 11228, the naval appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

ELECTION OF SENATORS.

Mr. McKELLAR submitted the following resolution (S. Res. 289), which was referred to the Committee on Rules:

Resolved, That the Standing Rules of the Senate be, and the same are hereby, amended by inserting, after Rule VI, an additional rule, as follows:

STATEMENT OF RECEIPTS AND EXPENDITURES OF CANDIDATE FOR NOMINATION FOR UNITED STATES SENATOR.

Every person who shall be a candidate for nomination at any primary election or nominating convention, or for indorsement at any general or special election, as Senator in the Congress of the United States, shall, not less than 10 nor more than 15 days before the day for holding such primary election or nominating convention, and not less than 10 nor more than 15 days before the day of the general or special election at which he is seeking indorsement, file with the Secretary of the Senate at Washington, D. C., a full, correct, and itemized statement of all moneys and things of value received by him or by anyone for him with his knowledge and consent, from any source, in aid or support of his candidacy, together with the names of all those who have furnished the same in whole or in part; and such statement shall contain a true and itemized account of all moneys and things of value given, contributed, expended, used, or promised by such candidate, or by his agent, representative, or other person for and in his behalf with his knowledge and consent, together with the names of all those to whom any and all such gifts, contributions, payments, or promises were made for the purpose of procuring his nomination or election.

Every such candidate for nomination at any primary election or nominating convention, or for indorsement or election at any general or special election, shall, within 15 days after such primary election or nominating convention, and within 30 days after any such general or special election, file with the Secretary of the Senate a full, correct, and itemized statement of all moneys and things of value received by him or by anyone for him, with his knowledge and consent, from any source, in aid or support of his candidacy, together with the names of all those who have furnished the same in whole or in part; and such statement shall contain a true and itemized account of all moneys and things of value given, contributed, expended, used, or promised by such candidate, or by his agent, representative, or other person for and in his behalf with his knowledge and consent, up to, on, and after the day of such primary election, nominating convention, general or special election, together with the names of all those to whom any and all such gifts, contributions, payments, or promises were made for the purpose of procuring his nomination, indorsement, or election.

Every such candidate shall include therein a statement of every promise or pledge made by him, or by anyone for him with his knowledge and consent, or to whom he has given authority to make any such promise or pledge, before the completion of any such primary election or nominating convention or general or special election, relative to the appointment or recommendation for appointment of any person to any position of trust, honor, or profit, either in the county, State, or Nation, or in any political subdivision thereof, or in any private or corporate employment, for the purpose of procuring the support of such person or of any person in his candidacy, and if any such promise or pledge shall have been made the name or names, the address or addresses, and the occupation or occupations of the person or persons to whom such promise or pledge shall have been made shall be stated, together with a description of the position relating to which such promise or pledge has been made. In the event that no such promise or pledge has been made by such candidate that fact shall be distinctly stated.

No candidate for Senator of the United States shall promise any office or position to any person, or to use his influence or to give his support to any person for any office or position, for the purpose of procuring the support of such person, or of any person, in his candidacy; but such candidate may, within the limitations and restrictions and subject to the requirements of this rule, contribute to political committees having charge of the disbursement of campaign funds.

No candidate for Senator of the United States shall give, contribute, expend, use, or promise, or cause to be given, contributed, expended,

used, or promised, in procuring his nomination and election, any sum in the aggregate in excess of the amount which he may lawfully give, contribute, expend, or promise under the laws of the State in which he resides: *Provided*, That no candidate for Senator of the United States shall give, contribute, expend, use, or promise any sum in the aggregate exceeding $10,000 in any campaign for his nomination and election: *Provided further*, That money expended by any such candidate to meet and discharge any assessment, fee, or charge made or levied upon candidates by the laws of his State, or for his necessary personal expenses, incurred for himself alone, for travel and subsistence, stationery and postage, writing or printing (other than in newspapers), and distributing letters, circulars, and posters, and for telegraph and telephone service, shall not be regarded as an expenditure within the meaning of this rule and shall not be considered any part of the sum herein fixed as the limit of expense and need not be shown in the statements herein required to be filed.

The statements herein required to be made and filed before the general election at which such candidate seeks election need not contain items of which publicity is given in a previous statement, but the statement required to be made and filed after said general election shall, in addition to an itemized statement of all expenses not theretofore given publicity, contain a summary of all preceding statements.

Every statement herein required shall be verified by the oath or affirmation of the candidate, taken before an officer authorized to administer oaths; and the depositing of any such statement in a regular post office directed to the Secretary of the Senate, duly stamped and registered, within the time required herein, shall be deemed a sufficient filing of any such statement under this rule.

This rule shall not be construed to annul or vitiate the laws of any State, not directly in conflict herewith, relating to the nomination or election of candidates for the offices herein named, nor to exempt any such candidate from complying with such State laws.

Nothing contained in this rule shall limit or affect the right of any person to spend money for proper legal expenses in maintaining or contesting the results of any election.

No person willfully violating any of the foregoing provisions shall be deemed qualified to become a Member of the Senate.

Upon a petition being filed with the Secretary of the Senate, duly sworn to by not less than five citizens of the State in which it is alleged that this rule has been violated, such petition setting forth the particular facts upon which the alleged violation is based, it shall be the duty of the said Secretary of the Senate to deliver said petition to the Presiding Officer of the Senate, who shall at once lay the petition before the Senate, and it shall be printed in the RECORD and referred to the Committee on Privileges and Elections, which shall hear testimony as to its allegations, reach its conclusions, and report its findings and recommendations to the Senate. Should the Senate by majority vote find that any of the provisions of said rule have been willfully violated, the person claiming the certificate of election shall be deemed to have been disqualified from the beginning and never to have been a Member of the Senate.

DUTY ON SUGAR.

Mr. NICHOLSON. I present a communication which I have received from Mr. C. C. Hamlin, a citizen of Colorado Springs, in my State, which contains a great deal of valuable information. It has relation to sugar production in Cuba and the United States. I ask that it may be printed in the RECORD in the usual 8-point type.

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

COLORADO SPRINGS, COLO.,
April 27, 1922.

Hon. SAMUEL D. NICHOLSON,
United States Senate, Washington, D. C.

MY DEAR SENATOR: I have been following with some concern the propaganda with which Congress is being flooded, the purpose of which is to have the duty on sugar fixed so low that Cuba's war increase in production may find a market here. If this war increase is to be absorbed in the United States it is obvious that it must displace an equal quantity of our domestic production, and this would mean the destruction of the home industry, as I will later attempt to show.

This propaganda had its origin with the seaboard refiners. They have always been the enemies of the domestic industry. Through their influence sugar was placed on the free list in the Simmons-Underwood bill, although the war intervened and prevented its becoming effective. Their position is easily understood. Every ton of beet sugar produced means one less for them to refine, and the competition of beet sugar prevents their control of prices and markets.

Recently this propaganda of the refiners has been taken up by another group of men who are seeking the same end, but for different reasons. I speak of certain New York bankers, promoters, and speculators, who extended unwarranted credits on Cuban sugars at war prices and who took advantage of the "sugar boom" to expand Cuba's production beyond all reasonable limits and foist on the American public tens of millions of stock on the glowing promise that war-time prices and profits would continue indefinitely.

These companies are "war babies" in the fullest sense of that term, and now these gentlemen ask that we kick our own children out of the house to make way for theirs.

I use the term "war babies" advisedly. Prior to the war the price of sugar was low, but the industry was reasonably prosperous, both in this country and in Cuba. Supply and demand were well balanced. Cuba was prospering as she had never prospered before, and we were enjoying a valuable export trade to the island, although the balance of trade was steadily against us. At that time we were consuming some 4,000,000 tons annually, approximately half of which was produced, in about equal proportions, by the continental United States and her insular possessions. Due to the preferential tariff granted to her under the reciprocity treaty, Cuba enjoyed a monopoly in the furnishing of the other half. Competition between the two, or rather the three sources of supply, maintained fair prices to the consumer.

During the war, however, conditions changed. In 1913 Cuba produced 2,597,732 tons, in 1919 she produced 3,971,776 tons, an increase of over 50 per cent.

The favorite argument advanced by these propagandists is that the tariff imposes an undue burden on the consumer. They assume that the full duty is added to the price.

It is not my purpose to enter upon a discussion of the economic features of a tariff or its effect on prices. Experience shows, however, that this effect is different under different circumstances, and that the full tariff is not necessarily or usually added to the cost. When six-tenths of a cent per pound was added to the sugar duty under the emergency tariff the price declined. Some one had absorbed the increase. The seaboard refiner fixes the price of sugar based on the c. i. f. cost of Cuban raws, New York. Beet sugar sells 20 cents below this price. Here again is an absorption of the tariff to that extent. Porto Rico often undersells Cuba, which she can do by reason of the fact that her sugars enjoy free admission into the United States. This affects all sugars in our markets and results in a tariff absorption to the extent of the cut.

The effect of a tariff varies at different times and under different circumstances, and while to contend that prices are not affected by it would be to admit the futility of a protective tariff, still no general rule can be applied which will accurately measure such effect.

There is, however, another element in price making which is more potent and more to be feared than the tariff. I refer to the power to fix prices and control distribution.

We can reach and control monopolies and combinations within our boundaries. Beyond them we are powerless.

It is not necessary to indulge in speculation or theory to establish this fact with respect to sugar. Recent history teaches us what could and doubtless would be done in this direction were the domestic industry destroyed.

We entered the war in April, 1917. On August 10 of that year the food control act went into effect. The domestic crop of sugar had been marketed and the country had to look solely to Cuba for its supplies. On August 22, in a memorandum to the President calling attention to the difficulties confronting him, Mr. Hoover, who had been appointed Food Administrator, said:

Certain Cuban sugar producers—who are out of our reach—have combined to force up the price of the remaining 1917 Cuban crop, prior to the new crop in December, and have lifted the price of raw sugar in New York from 5 cents in June to 7.5, duty paid, on August 16, and this against a three-year pre-war average of 4.2 cents. The recent advance of 1.6 cents alone would represent an added tax upon the American people of over $30,00,000 by the end of December.

Soon after this the producers of sugar in the United States and its possessions voluntarily placed their output in the hands of Mr. Hoover at a price 1¾ cents below the price of Cuban sugar. By reason of his control of this crop, then in the making, and because of the ability of the Government to regulate shipping the Food Administrator was able to purchase the 1918 Cuban crop and thereby supply our people with sugar at a reasonable figure so long as this sugar lasted.

In 1919 Attorney General Palmer succeeded Mr. Hoover, and while still regulating the price of the domestic product he refused to purchase the 1919 Cuban crop.

What happened in 1920 and the early part of 1921 constitutes one of the most fantastic episodes in the history of speculation in a food necessity. A world shortage of sugar was heralded though none existed, and raw sugars advanced rapidly. They reached the unheard-of price of 23 cents per pound, while in the East, where Cuba supplies the market, granulated sugar sold as high as 35 cents per pound. During this period the manufacturer of beet granulated was receiving from 10 cents to 12 cents per pound for his product.

It has been estimated by reliable authority that this debauch of speculation and manipulation cost the American consumer some $600,000,000, and from what I know of the situation, it is my opinion that this estimate is conservative.

Were the speculators in Cuban sugars satisfied with this stupendous price? Not at all. They saw no top, and held their supplies off the market for still higher prices.

In the late spring of 1921 the bubble burst and Cuba awakened to the fact that while she was holding back her supplies 800,000 tons of dull duty-paying sugars from 44 countries

had found their way into our markets. This sugar Cuba should have supplied. Had she done so at the price allowed by the Attorney General to Louisiana for her crop—which was from 5 cents to 7 cents above that which the producers of beet sugar were allowed—she would have had some $400,000,000 of American money with which to meet her obligations here and maintain her financial house in good order at home. As it was, she went into the grinding campaign of 1922 with a carry over of 1,200,000, and during the month of January Cuban raws sold c. i. f. New York as low as 1⅞ cents per pound. It is this surplus which has demoralized the sugar industry and will continue to do so until normal production is again reached. This time does not seem near, as the estimate on the present Cuban crop is 3,600,000 tons, which, with her carry over of 1,200,000, is much more than enough to supply all of the requirements of the United States after excluding her own production, and that of Hawaii, the Philippines, and Porto Rico.

Cuba not only pulled down her own house but destroyed that of her neighbor as well. The control of the price of beet sugar by the Attorney General was not relinquished until August, 1920. The manufacturers were about to enter upon their manufacturing campaign. At the instance of the Government in the spring of that year, they had contracted with the growers of beets to pay $12 per ton, more than twice the pre-war price. While the sugar-beet crop was probably the only profitable one which the farmer produced in 1920, the manufacturers, caught in the Cuban jam, were compelled to market their output at a loss estimated at $50,000,000. Some were forced to the brink of bankruptcy, and all were compelled to exercise their credit to the limit. Owing to the Cuban surplus, the 1921–22 crop of beet sugar is now being marketed at a loss in many cases, and in all at a ridiculously narrow margin of profit, under the present tariff of 1.6 cents on Cuban sugar.

The control of the sugar supply necessary to supply our needs by those, to repeat the words of Secretary Hoover, "who are out of our reach," cost the American consumer some $50,000,000 in 1917 and $600,000,000 in 1920–21. This is more than the entire duty which the Government will realize from sugar import under the present tariff in 10 years at the present rate of importation.

In continental United States 700,000 acres of our best agricultural lands are devoted to the production of sugar beets. One hundred thousand farmers are engaged in growing them. Eighty-five thousand field workers and 35,000 mill operatives are employed in the industry. They give to our people a war ration of sugar which can always be depended on. They furnish the competition which is necessary to prevent monopoly and insure reasonable prices to the consumer. They introduce the element of crop rotation which is so necessary to our agriculture. They keep at home millions of dollars which would otherwise be sent abroad to pay for foreign supplies. It is hardly fair to ask that this industry be destroyed to cover Cuba's economic blunders, and surely the American Congress will never again place it in the power of any set of men to monopolize a great food necessity, fix its price, and control its distribution.

The importance of this question is my excuse for writing you at such great length.

Very truly yours, C. C. HAMLIN.

DUTY ON POTASH.

Mr. FLETCHER. I desire to have inserted in the RECORD, in 8-point type, an article by W. A. McRae, Commissioner of Agriculture of Florida, on the subject of potash.

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

WHO OUGHT TO FEED THE BABY?

It is proposed by the tariff bill now before Congress, with prospects of its passing, that a new "infant industry" be adopted and reared exclusively by the farmers. It is generally understood that it will prove to be an expensive rascal to bring up and that it will have no gratitude for its "raising" after the job is done.

In effect, the bill proposes to penalize the farmers of this country, who have just raised two crops at a loss, for trying to reach maximum production with greatest efficiency. A sliding scale of tariff on potash is proposed that will mean that millions of dollars annually must be poured into the subsidized potash producers of the United States by the farmers exclusively.

When a tax is placed on commercial business or manufacturing the tax is merely passed on to the ultimate consumer, and the consuming public pays it. This can not be done by the farmer. He does not mark his goods with a cost price and a selling price and hold it till he gets it. Neither does he send out paid drummers to take orders for goods before they are made, so that he can calculate cost and add the profit before a wheel turns, as do manufacturers. He takes chances on the weather, insects, and fungi as to production and goes into the market asking, "What will you give?" How can he pass on to the consumer a special tax? Not at all.

The farmers of the United States use about 7,000,000 tons of fertilizers a year. One of the essential constituents of all complete fertilizer is potash. The cost of producing potash in the United States has been from $100 a ton to $125 a gross ton, and the output is entirely inadequate to supply the demand, the maximum being slightly over 200,000 gross tons of crude potash, representing 54,000 tons of K_2O. The importations from Germany in 1913 were a million tons, valued at $13,000,000.

Taking 1913 as a normal year, the imports of potash are approximately 1,000,000 gross short tons, containing 250,000 short tons of available potash (K_2O).

According to the schedule of the proposed tariff the potash content of 250,000 tons will carry a duty of 2½ cents a pound for the first two years, totaling $11,400,000 for each year, or $22,800,000 for the two years. The third year it will carry a 2 cents a pound duty, or $10,000,000. The fourth year the rate is 1½ cents a pound, or $7,500,000. The fifth and last year it will have a 1 cent a pound rate, or $5,000,000. Using round numbers only, the grand total for the five years would be $45,300,000.

This is more than has been imported annually since the beginning of the World War, and the only thing that will keep it from going back to normal will be a continuance of the general depression.

Here is a $45,300,000 wall of protection thrown around an "infant" industry for the first five years of the hothouse process, the worst feature of which is that this $45,300,000 tribute is to be exacted from a comparatively few people, who have no way of distributing the burden to the whole population. The advocates of the bill take great pains to figure out how much per acre or per capita this amounts to and dwell upon the smallness per acre unit or inhabitant. If it is really good policy to feed this infant at public expense it ought to be done by all the people and not by a select few. No one pays it but the farmer; so that in effect this tax is in reality a vocational tax. The great bulk of it is paid by the Southern States; so that it is in effect a sectional tax. Approximately 40 per cent of it is paid by those who do not own the land they till; so that in effect it is to a large extent a bonus to be extracted from the poorest class of tenant farmers. Eighteen million dollars is rather high tribute to be levied on the tenant farmers to build up an industry in five years that is supposed to be a benefit to 120,000,000 people.

If this infant must be fed from a silver spoon for five years, there is only one way to do it honestly, and that is by subsidy. "But," says some one, "the tariff will get money into the Treasury and the subsidy will take it out for the benefit of the potash manufacturers."

In answer to this it is only necessary to point to the fact that if the law accomplishes its purpose very little of the tribute exacted from the farmer in the way of higher price potash will go to the Federal Treasury, as the production in this country will rapidly develop to where it can supply the demand. In this case all the tribute paid by the farmer goes directly to the manufacturers of potash and not to the Government.

If this enormous tax of $45,300,000 is paid by subsidy, by all of the people, then the Nation as a whole will be interested and will stop paying the subsidy at the end of five years. But if it is heaped on the farmers alone it is doubtful, indeed, if they can get rid of this tax in five years.

If past experience is any criterion, whether this tax is paid by subsidy or paid by the farmers, we may expect that this pampered infant will be in position to show Congress at the end of five years that to fail to extend the protecting arm a few more years will be equivalent to stabbing to the heart the splendid child of its past good treatment.

The picture to be held up to view will be ghastly. An industry nurtured to life and vigor only to be deliberately murdered in cold blood. Those behind the business will be no kinder of heart than are the gang that is now fighting the proposal to lease Muscle Shoals plant for the purpose of making atmospheric nitrogen, which is a companion element of phosphoric acid and potash in commercial fertilizer.

There has not been such depression and despondency among the farmers of this country in 50 years, and to add this burden to them just at this time will be adding insult to injury by penalizing them for trying to make it possible for the world to live.

W. A. MCRAE,
Commissioner of Agriculture.

TALLAHASSEE, FLA., *May 5, 1922.*

FLOOD CONTROL IN THE MISSISSIPPI VALLEY.

Mr. McKINLEY. I ask unanimous consent to have printed in the RECORD and appropriately referred a letter from the general manager of the New Orleans Association of Commerce, with a copy of a letter inclosed which President Harold W. Newman, of the New Orleans Association of Commerce, wrote to the Mississippi River Commission.

There being no objection, the letters were referred to the Committee on Commerce and ordered to be printed in the RECORD, as follows:

NEW ORLEANS ASSOCIATION OF COMMERCE,
May 9, 1922.

Hon. WM. B. McKINLEY,
Senate Office Building, Washington, D. C.

DEAR SENATOR McKINLEY: I attach copy of a letter which President Harold W. Newman, of the New Orleans Association of Commerce, has to-day written the Mississippi River Commission.

Please read it. It will open your eyes to some important facts which were not brought out during your trip on the Mississippi River.

Please also cause this letter to the commission to be printed in the CONGRESSIONAL RECORD. The country ought to have access to this information.

Very truly yours,

WALTER PARKER, *General Manager.*

—

NEW ORLEANS ASSOCIATION OF COMMERCE,
SECOND PORT, U. S. A.,
May 8, 1922.

THE WAY OUT.

The Mississippi River Commission has jurisdiction over the Mississippi River from Rock Island, Ill., to the Gulf. It has no jurisdiction over the tributaries and source streams of the Mississippi River. Consequently it can deal only with the floods after they have formed. Result—a restricted policy of relying on levees alone.

The people of the Mississippi Valley need a comprehensive policy, which will, in fact, and all the time protect them from the flood menace, and they have launched a campaign through the organized trade bodies, chambers of commerce, and the public generally throughout the valley to develop and make effective a new vision, a new enterprise, and a great vigor, which will not be denied for the elimination of the flood menace.

The attached letter to the Mississippi River Commission makes the situation clear.

—

MAY 8, 1922.

To the honorable Mississippi River Commission, St. Louis, Mo.

GENTLEMEN: At a conference held last Saturday between New Orleans business men and the United States Senators and Representatives composing the congressional flood investigating committee, Congressman BEN HUMPHREYS, speaking for the members of the committee, said in effect:

"Federal engineers, beginning in 1822 and extending to the present day, since 1879 through the Mississippi River Commission, have investigated and reported on the flood problem in the Mississippi River, and the consensus of their opinion is that levees alone must be relied on for the protection of life and property in the Mississippi Valley.

"Down here we recognize the absolute necessity for the best levee system that can be built. But we are not content to stop there, as the Mississippi River Commission has done. We want the best levees. We also want all else that can be done to control the floods, regulate stream flow, and reduce the pressure of the floods on these levees, and we are preparing now to draw to our support in this most just cause all of the aid and assistance we can rally.

"We have been told the Mississippi River Commission stands for levees and levees alone.

"We have reached the conclusion such a policy can only result from restricted authority and limited jurisdiction. In no other way can we account for so restricted a policy with relation to so great a menace and so great a problem.

"Great floods form in the Ohio, the Missouri, and other tributaries and join in the Mississippi. There and there only they become a responsibility of the Mississippi River Commission. Your commission has no jurisdiction over the source streams, nor the drainage basins of these source streams, therefore can not take such action as may be necessary to check flood formation in the smaller streams high up, thus in some measure reducing the flood menace lower down.

"Under these circumstances we can understand your past policy of levees only, as levees alone are possible as a means of flood control between Cairo and the mouth of Red River.

"We can not, however, understand your reluctance to consider the installation of spillways on the lower reaches of the river, where tidewater outlets are near at hand. It seems to us that regulated and controlled relief to the river down here would protect us and at the same time be far better for the river itself than the invariable crevasses which the river itself makes in the levees whenever it chooses.

"We have watched the denudation of our forest areas throughout the source-stream country and the consequent hastening of the flood run-off. Thus far nothing adequate has been done by any agency of the Federal Government to replant the forests, thus retarding the run-off and creating an opportunity for the rainfall and melting snows to soak into the ground.

"We have known for many years that the ground-water level throughout the great valley is dropping all the time, and that the reserve moisture supply in the soil is now so limited as to be the cause of serious concern to agriculturists throughout the upland region of the valley. Yet no adequate move has been made by any agency of the Federal Government to start the restoration of the most necessary reserve supply of moisture in the agricultural soil of the valley. We are told that contour plowing when generally resorted to will restore this moisture supply, check soil erosion, and reduce flood formation in the source streams of the Mississippi.

"In 1912 the Pittsburgh Flood Commission, supported solely by the citizens of Pittsburgh, made its report showing that by building a few dams in the streams feeding the Monongahela and Allegheny Rivers, which form the Ohio at Pittsburgh, the flood level at Pittsburgh can be greatly reduced and the floods there be brought under control. It is reasonable for us to assume that other works on other tributaries of the Ohio can be made to so far control the flood peak in the Ohio as to greatly reduce the volume of water passing into the Mississippi at any one time during great flood flow.

"We are assured by men who have made a study of Missouri River conditions that a great deal of the surplus flood waters which now reach the Missouri from its source streams can be diverted and soaked into dry lands far removed from the Mississippi. In this way untillable lands may be made available for agriculture, and the flood flow of the Missouri be brought under some sort of control, to the end that in times of maximum flood flow there will be a reduced peak load to join the peak load of the Ohio at Cairo.

"While these matters are of the gravest concern to the people of all the valley, as well as to ourselves, we understand that the Mississippi River Commission can not concern itself with them because the Mississippi River Commission's jurisdiction is limited to the Mississippi River proper from Rock Island to the Head of the Passes.

"We must have relief from an intolerable condition.

"We insist that the Federal Government admit its responsibility for interstate flood flow.

"We will therefore insist that our Senators and Representatives in the National Congress obtain for us a broader treatment of this problem than seems possible by the Mississippi River Commission under its limited jurisdiction.

"We ask that your commission join in our effort to obtain this broader treatment of a very old problem.

"We must have a new vision and a new enterprise brought to bear.

"You gentlemen have much information and many facilities. You also desire to see this problem solved. Your powerful cooperation will be of the greatest value, and we sincerely trust that we will have it.

"We are determined to leave nothing undone to get this broader treatment. To this end we are asking the help of the Mississippi Valley Association, of all the chambers of commerce in the 27 States between the two great mountain ranges, Canada and the Gulf, of all the investors in the valley, and of the business men and people generally.

"We have reached the conclusion a 'levees only' policy is a hopeless policy and one not worthy of this splendid country, and we want it changed.

"May we have your assurance of cooperation at the earliest possible moment?"

Very truly yours,

NEW ORLEANS ASSOCIATION OF COMMERCE,
HAROLD W. NEWMAN, *President.*

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. Overhue, its enrolling clerk, announced that the House had passed a joint resolution (H. J. Res. 270) authorizing the Secretary of the Treasury to establish a credit with the United States for the Government of Liberia, in which it requested the concurrence of the Senate.

DEFLATION POLICY OF FEDERAL RESERVE BOARD.

Mr. WATSON of Georgia. Mr. President, in the New York Herald of this morning there appears, in what is called a "box," a statement which should not go unchallenged, and which I now challenge. I will read what appears in the Herald:

ENOUGH CASH CIRCULATING TO GIVE EVERYBODY $48.89.

(Special dispatch to the New York Herald.)

NEW YORK HERALD BUREAU,
Washington, D. C., May 10.

If all money in circulation in the United States were equally distributed your share would be $48.89.

The Treasury Department to-day announced that figure as the per capita circulation on May 1. It is 92 cents less than it was on April 1. Total money of all kinds in circulation is $5,352,255,730. On April 1 it was $5,446,161,844. On May 1 1921, the total in circulation was $6,158,170,819.

The per capita figures are based upon an estimated population of 109,468,000.

In 1879 the total amount of money in circulation was only $816,266,721. At that time the country, with a population of 48,231,000, had a per capita circulation of $16.92.

Mr. President, that statement is absolutely false. There are not $20 per capita in circulation. The money has been destroyed by the infamous Federal Reserve Board. I will not now consume the time of the Senate, because I have no desire to delay the Republicans in passing the pending bill, which they have a right to pass because they have a majority; let them take the responsibility and pass it; but at some future time I intend to go into the financial question and show up to the country the shameless and ruinous policy of the Federal Reserve Board.

LIBERIAN LOAN.

The joint resolution (H. J. Res. 270) authorizing the Secretary of the Treasury to establish a credit with the United States for the Government of Liberia was read twice by its title.

The PRESIDING OFFICER (Mr. WILLIS in the chair). The joint resolution will be referred to the Committee on Foreign Relations.

Mr. McCUMBER. Mr. President, I am doubtful if the joint resolution should go to the Committee on Foreign Relations. It came from the Committee on Ways and Means of the House, and I understand the papers relating to it are with the Committee on Finance. In the absence of the chairman of the Committee on Foreign Relations, I suggest that it lie on the table for the present.

The PRESIDING OFFICER. In the absence of objection, the previous order will be vacated and the joint resolution will lie on the table.

THE TARIFF.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 7456) to provide revenue, to regulate commerce with foreign countries, to encourage the industries of the United States, and for other purposes, the pending question being on the amendment of the committee, page 4, line 16, to strike out the words "ammonium nitrate."

Mr. KING. Mr. President, I wish to inquire of the chairman of the committee, the Senator from North Dakota [Mr. McCUMBER], if the purpose of the amendment is to transfer ammonium nitrate to the free list or to assign it to some basket schedule, where it would carry an ad valorem duty of 25 per cent?

Mr. McCUMBER. Ammonium nitrate is one of those items which are found in the twilight zone and it was a serious question with the majority of the committee whether it should be placed upon the free list or have a duty. I must admit the committee has wobbled a little upon that matter; first taking the duty off and placing it upon the free list, and then afterwards suggesting an amendment to place it back with a duty of 1 cent per pound.

Mr. KING. Is that the purpose now?

Mr. McCUMBER. A motion will be made to place a duty of 1 cent a pound, taking it off the free list. So the Senator may discuss it from that viewpoint.

Mr. KING. I assume some of the "wobblers" on the other side will move to amend by putting a 1 cent duty upon it. For that purpose I yield the floor.

Mr. McCUMBER. I stated that it was a serious question with the committee whether it should be placed upon the free list or whether it should bear a duty of 1 cent per pound. Of course, in the bill as passed by the House it bore a duty. The Senate committee placed it upon the free list and reduced some of the other duties to correspond with it. There is a question whether or not the committee may have made a mistake about it.

Mr. KING. I am sure when the committee decided to put it on the free list they did the right thing, and I am sorry they yielded to the demands of the trusts when they decided to put a duty on it.

Mr. FRELINGHUYSEN. Mr. President, I am not a "wobbler" on this question. The committee to-day voted to place a duty of 1 cent a pound on ammonium nitrate. It is not in response to the demand of any trust. It is in response to no single interest whatsoever. The question is one of policy, whether we are going to have an ammonium-compound industry in this country or whether we are going to buy all of this product from Germany. It has a direct relation with the Muscle Shoals project. If the Muscle Shoals project is operated at any time in the future, these products will be manufactured there.

Prior to the war ammonium nitrate was not an important product, and if it were not for German war-time development, which made it easy for her to produce cheaply the huge quantity of either the nitrate or the sulphate, the tariff on nitrate would not be important.

The consumption of ammonium nitrate is about 26,000 tons annually in explosives. The consumption of ammonium sulphate is 400,000 tons in fertilizers. The aim of the protection is against the German air nitrogen plants, which were subsidized and developed because Germany was cut off from the ocean and could not obtain Chilean nitrate. We are all familiar with that situation and the effort to make these nitrates in this country and how Germany became independent through a special process. The German plants were war built; they were government subsidized. Over 90 per cent of Germany's production and sales is controlled by a trust, the Stickstoff Syndicate. The German air nitrogen plants cost over $400,000,000, and because they represent a war-time subsidy no interest on the investment need be charged to the manufacturing costs. This gives the Germans an unnatural and unfair advantage over the American producer. The ammonium nitrates of this country have been produced through the great coke industry, and the question is whether we are going to encourage and stimulate the industry in this country, which has developed through a varied number of sources and by varied interests. The protection which we seek is against one German trust, the Stickstoff Co., which controls this nitrate process.

The imports have increased since the World War. In 1917 they were 77,000 pounds; in 1919 they were 509,000 pounds; in 1920 they were 28,000,000 pounds; and for nine months in 1921 they were 31,000,000 pounds.

The whole question is whether we are going to put 1 cent per pound duty upon ammonium nitrate and encourage its production here, or whether we are going to put it on the free list and purchase it from the German trust. I know of no trust in this country controlling this product; there is no monopoly here. It comes, I repeat, from varied sources. I say I had rather have it purchased, controlled, manufactured, and produced here through an American industry than through a German trust. That is a simple question involved here: Whether this great chemical commodity, which was so necessary for war purposes and the production of explosives, and which is now so necessary in time of peace, is to be protected or not? I am in favor of its protection.

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

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

Mr. FRELINGHUYSEN. I yield to my colleague.

Mr. EDGE. Does the Senator know approximately how many separate industries in this country manufacture this particular product?

Mr. FRELINGHUYSEN. I know that there were $100,000,000 expended in this country to develop the coke industry in order to produce ammonium nitrate. I do not know whether the manufacturers are now operating; but I know that with adequate protection they can operate. I know that 30,000,000 pounds are being imported into this country from Germany, and if we give the American manufacturers the protection which is proposed our manufacturing plants will be operated and the article will be produced in this country.

Mr. KING. Mr. President, the Senator from New Jersey has made a very strong and passionate appeal for the amendment which he has offered to the bill as reported by the Committee on Finance. I think that some of the views expressed by the Senator from New Jersey are founded upon a reasonable attitude toward the development of home industry, but I believe that some of the facts to which he has referred have not been quite accurately stated by him. By that I mean we have in the United States all of the elements and conditions under which this industry, if it has not been developed, may be developed to very large proportions.

The Senator from New Jersey alluded to the fact that the Germans had a process of nitrogen fixation. I suppose the Senator referred to what is known as the Haber process, but we know that that process is utilized in the United States to-day. Indeed, if I am not mistaken, under the seizure and confiscation act of the Alien Property Custodian, so far as the ownership and the right to use the Haber process in the United States is concerned, that right has been denied to Germans and is vested in the Chemical Foundation.

I will digress for a moment to repeat what I have heretofore stated upon the floor of the Senate, that 4,500 patents were confiscated by Mr. Garvin as the Alien Property Custodian and were sold to the Chemical Foundation; that is, it was a pretended and fraudulent sale. One thousand other patents were confiscated and sold to the Bayer interests. I may be in error, but my present recollection is that the Haber process of nitrogen fixation from the atmosphere was included within the 4,500 German patents which were illegally confiscated by the Alien Property Custodian. However, the sale not having been attacked, carries with it, undoubtedly, some sort of a title, either equitable or legal. Probably the legal title passed to the Chemical Foundation which holds it mala fides in trust for the owners. However that may be, the Chemical Foundation Co. is asserting title to it. The courts, until the sale shall be set aside by appropriate action, will undoubtedly affirm the validity of its acts. Therefore we have nothing to fear from Germany by reason of the manufacture of nitrogen under the Haber process, for, having the patent here, the moment that any nitrogen of that character was brought to the United States an action in equity would lie to enjoin the disposition of the proceeds or the utilization of the patent because it would be an infringement of the rights of the American owners.

So Germany is prevented from coming to our shores with her products made under the Haber process.

My good friend, the able Senator from New Jersey, has alluded to the fact that Germany has $400,000,000 invested in what he denominates these nitrogen plants. Of course, the Senator does not mean that the $400,000,000 is devoted to the manufacture of nitrogen or the nitrogenous compounds covered by the amendment which he has offered. Germany had——

Mr. FRELINGHUYSEN. Mr. President——

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

Mr. KING. Let me complete the sentence, and then I will be glad to yield. Germany had a considerable amount of money

invested in chemical works. Some of those chemical works, as the Senator knows, produce various chemical products, some nitrogenous products, some carbon products, some aluminum products, some various forms of acids, and some of them are devoted to the manufacture of explosives; but the amount of capital invested in Germany in all of her chemical works has been grossly exaggerated by the Chemical Trust in the United States and its indefatigable agents, some of whom, like Doctor Herty, went to Germany and came back here and spread false reports relative to industrial conditions obtaining in Germany. I now yield to the Senator from New Jersey.

Mr. FRELINGHUYSEN. The information that I have—and it does not come from Doctor Herty any more than it comes from Doctor Pickerell—is that the German air-nitrogen plants cost over $400,000,000.

Mr. KING. I regret that the Senator should go to fountains of information that are so inaccurate. I can only repeat what I said a moment ago, that Germany did not have $400,000,000 of property or capital devoted to the manufacture of nitrogen per se, or to the product covered by the amendment offered by the able Senator from New Jersey.

Mr. FRELINGHUYSEN. Mr. President——

Mr. KING. I yield.

Mr. FRELINGHUYSEN. Does the Senator challenge the statement I have made that we imported 30,000,000 pounds in the first nine months of 1921?

Mr. KING. I will come to that in due time. The Senator must not get impatient. I will take one statement of the Senator's at a time when I am addressing myself to his remarks, and I will approach them in due order. I repeat what I was about to say when interrupted by my learned friend.

Mr. SIMMONS. Mr. President, if the Senator will pardon an interruption, I think perhaps I can throw some light on the question asked by the Senator from New Jersey with reference to the importations.

Mr. KING. I am glad to yield.

Mr. SIMMONS. Mr. President, before the war we were producing in this country practically no ammonium nitrate, which is nothing in the world but what we call nitrogen in connection with its use as a fertilizer.

Mr. KING. Mr. President, if the Senator will pardon me, he means that we did not produce it in that form. We produced ammonium, and we had nitrogenous products as the result of the operations of coke ovens and their chemical activities in large quantities.

Mr. SIMMONS. Undoubtedly. If that is what the Senator was discussing, I misunderstood him.

Mr. KING. I shall be very glad to have the Senator conclude the point he had in mind.

Mr. SIMMONS. I will wait until the Senator has finished.

Mr. KING. I think I assent, Mr. President, to what my leader, under whose banner I am so happy to fight, has said.

Mr. SIMMONS. The Senator was discussing one thing when I thought he was discussing another.

Mr. KING. I think I assent to what he says, that this particular form of nitrogen, ammonium nitrate, perhaps, was not manufactured to any great extent in the United States, but we all know that carbon, which we have in such great quantities, is the basis of a large number of products. It may not be utilized in the production of some compounds of which it forms, perhaps, the base or an important constituent at a given time, and yet it is here, and the other elements which would make the compound of which carbon might be the base also exist, and, as the needs of business or trade demand, those elements are brought together to form the compound; call it a synthetic compound, or any other term that may be employed. So we were producing in the United States large quantities of nitrogen. We had nitrates in the United States. We have, as everybody knows, large quantities of coal, and we are developing now and have been developing for a number of years what we call the coke-oven by-products. I have no doubt that we are producing to-day more of the by-products of the coke oven than almost any other, if not any other, nation in the world; and since Germany has been so stripped of her coal mines, it is obvious that she can not begin to compete with the United States in the productions where carbon is the base, or the productions in which the products of the coke ovens form any important or constituent part.

Our bituminous coal, rich in carbon and possessing nitrogenous elements, is being converted, largely through the instrumentality of the coke ovens, into coke; and the by-products of the coke ovens, from which we obtain our coal tars and our intermediates and nitrogenous products, are becoming of enormous importance and advantage in our economic and industrial development. So, Mr. President, we have nitrogen here; we have in rich abundance the elements that would constitute ammonium nitrate. No country in the world is so rich in ammonium and ammonium compounds as the United States.

My friend referred to the secret process, the Haber process. That is being employed at Syracuse, N. Y., by the Allied Chemical Co., which, as I have asserted over and over again, is a trust, a corporation which has absorbed 10 or 15 or 20 of the large chemical concerns of the United States, and possesses a capital exceeding $300,000,000. That corporation is interested in this tariff; that trust wants this tariff which has been suggested by the able Senator from New Jersey. It has this Haber process. It is making nitrogen as other chemical companies are making nitrogen in the United States.

Mr. President, this product is used in the making of explosives, as was said by my friend. Did any country in the world approach the United States in its capacity to manufacture explosives during the recent war? I take off my hat, in the language of the street, to the skill, the genius, the ability, the organizing capacity of the Du Pont Trust and of other chemical organizations in the United States. We manufactured in the United States millions of pounds of explosives before we entered the war and shipped them across the Atlantic to the allied nations. Some of these great chemical companies made millions, tens of millions of dollars in their trans-Atlantic explosives business. They manufactured powder, and sold it at an enormous profit, and other explosives needed in the war. When we entered the war we were equipped to manufacture explosives of a very large volume. The United States expended considerable money in the erection of factories and plants to increase the output of our munitions, the output of our explosives, poison gases, and so forth. It is a matter of common knowledge that a certain gentleman in the Bureau of Mines discovered helium, and some of the chemists connected with that branch of the Government service gave to the world explosives, I was about to say, of a higher character—I will let that word stand—than those which had been developed over the sea.

I have heard the statement made upon the floor of the Senate, repeating in part the words which were used by Mr. Secretary Baker, that if the war had not ended as it did—that is to say, if it had continued for a very short time longer—we had perfected explosives and poison gases to such a degree that we could have dropped a few bombs upon Berlin or upon other German cities and practically destroyed them, and killed all of the people residing therein.

Mr. McCUMBER. Mr. President——

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

Mr. KING. I yield.

Mr. McCUMBER. Possibly the Senator will come to the point concerning which I am about to ask him; but in order that he may, I just want to suggest in a sentence or two what are the principal features in the matter which actuated the committee.

I stated some time ago that the majority of the committee were on a little uncertain ground as to whether they should put a duty upon this product or whether they should place it upon the free list; that they wobbled, as I say, from the one view, and changed their minds and came to another view.

Mr. KING. Let me ask the Senator a question: Does the Senator think the majority of the committee will have enough votes on the other side to adhere to the view which was exhibited in the bill when you moved to transfer this product to the free list? If so, I will not talk.

Mr. McCUMBER. No; I will state that just the contrary is the case. The majority at the meeting this morning determined in favor of the 1-cent duty which I stated to the Senator; and I will explain to the Senator the reason for the action of the committee at a former meeting, or at least a majority. Sometimes the majority is determined by the number that are present at the meeting and may vary if one Senator is gone or another one comes or is absent.

Mr. KING. Oh, I appreciate that.

Mr. McCUMBER. The Senator can therefore understand that the action taken does not always represent even the absolute majority view of all of the majority members; but this product was placed upon the free list in the beginning because there seemed to be a strong expression of view at the time, at least, that any other course would be placing too heavy a duty upon explosives. In other words, if we added a cent or three-quarters of a cent a pound to nitrate, we would have to give a compensatory duty to the explosives which are made from nitrate, and those explosives are used to a great extent over the entire country, and in making these explosives from 25 to 80 per cent of nitrate is used. Probably there would be an average of 75 per cent of nitrate used, and the question was

whether we should sustain the industry in the United States or put this product on the free list in order to prevent this extra tax upon the industries of the country which must use the blasting element.

We use in this country about 30,000,000 pounds of this material annually. That is the consumption. In the first nine months of 1921 we imported a whole year's supply, and that is evidence that we can not manufacture it in competition with the foreigner. The foreigner is now supplying us entirely with the product; and the question is whether we should continue this industry, giving the wages of the industry to our laborers and the profits to the American manufacturer, or whether we had better surrender it entirely to the foreigner and say that it is one of those cases in which we are not justified in retaining the home industry because of the cost to the other industries. That was the real question for and against which, as I say, the committee wobbled to some extent.

Mr. SIMMONS. Mr. President——

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

Mr. KING. I do.

Mr. SIMMONS. I want to make an inquiry of the Senator from North Dakota. I am a little bit troubled about this. Where is this product made in this country?

Mr. McCUMBER. It is made in the coke ovens as a by-product, according to my understanding. I am not sufficient of a chemist to say positively.

Mr. SIMMONS. Can the Senator advise me how much is now being produced in this country? The Senator just said that we require about 30,000,000 pounds annually.

Mr. McCUMBER. During the war we made considerable, but we are making practically none now—almost none—and, as I have stated, in the first nine months of 1921 we imported more than enough to supply American consumption for a full year, so practically there is none being made in the United States.

Mr. SIMMONS. Was not that increased importation of the total necessary supply of the country because we were not making the material in this country?

Mr. McCUMBER. Why, yes.

Mr. SIMMONS. Because we had ceased to make it in this country?

Mr. McCUMBER. It was because we are not making it in this country, and we are not making it in this country because the importations can come in at such a price that we can not compete. If the Senator will look back in 1920, he will see that we imported 28,476,000 pounds, or almost enough to supply the American market for that year.

Mr. SIMMONS. I want to say, if the Senator from Utah will pardon me, that for years before the war we were not making any of this article in this country; that we were relying entirely upon the coke ovens of other countries, while our coke ovens that could supply the same material were not making it. During the war, of course, we began to make it to some extent, but I had supposed that the manufacturers of this country, finding its manufacture not quite satisfactory or profitable, had decided that they would lapse back to the condition that existed before the war, when they refused to adopt the appliances that were necessary to enable them to save this waste of the coke ovens, and that the present situation was the result of that attitude of mind on the part of the manufacturers of this country.

Mr. McCUMBER. My understanding is that it is simply a question of cost of manufacture in this country, and the importing cost of the same product.

Mr. KING. Mr. President, I was not quite sure from the remarks of the Senator whether he was more concerned in protecting the explosive industry than in protecting the ammonium nitrate industry per se.

Mr. McCUMBER. If we allow the nitrate to be put upon the free list, of course it will not be necessary to give any compensatory duty to the explosive industry. The question in my mind was whether the added cost to the user of the explosive would be greater than the benefit to be derived from manufacturing it in the United States.

Mr. KING. Then, as I understand the Senator, if you add a duty to ammonium nitrate you must add a compensatory duty to all the products into which it enters as a constituent part, whether explosives or anything else.

Mr. McCUMBER. Probably 90 per cent of it is used in explosives, and even on a basis of 80 per cent there would be eight-tenths of 1 cent added to every pound of explosive. If it were 75 per cent, of course, it would be a little less than that. So, taking everything into consideration, if we give a duty of a cent a pound we shall have to give practically a cent a pound additional on the explosives, or very near that.

Mr. KING. I invite the Senator's attention to the fact that whenever you add a duty to what might be denominated the raw material or an intermediate and you seek to add compensatory or equivalent rates to the product of which that first product forms a part, you are not satisfied with adding to the other articles seeking a compensatory duty merely the first duty, but there are pyramiding processes employed in the meantime which are carried forward, and the man who uses in the finished product raw material upon which a tariff has been fixed wants a higher tariff than that which was attached to the raw material.

Mr. McCUMBER. Of course, the manufacturer may increase his price, and ordinarily he will fix the price at as high a figure as he can and yet supply the market.

Mr. KING. As high as he can and as high as you let him by your tariff bill.

Mr. McCUMBER. The rule which would govern the committee in the laying of a compensatory duty would be simply to allow, as a compensatory duty, a rate on the finished product proportionate to that laid on the raw material, and if it were eight-tenths of a cent, not more than eight-tenths of 1 cent a pound should be given upon the explosive as a compensatory duty.

Mr. KING. In theory that is very beautiful, but in practice it does not work out that way. When you add a duty to raw material or to an intermediate product which is employed in the process of completing the manufactured product, the last person who gets the tariff is not satisfied to have merely the first tariff which was laid upon that primary product, but he wants, first, his tariff; then he goes back and ascertains the tariff upon the primary product and wants that added, plus various other elements and factors which, in the end, swell the price of the finished product to the great mass of the American people, who ultimately have to bear all these burdens.

That is one of the evils of our tariff system, Mr. President. Those who desire reasonable protection must feel the inequalities and the injustices and the wrongs and the oppressions which are perpetrated in a tariff bill, and they are compelled to make departures from reasonable positions which they have assumed. They postulate a condition which may be ideal, but in the realization of their desires they are compelled to abandon the position which their better judgment and their conscience directs that they should assume.

Just a word now in reply to my good friend the Senator from North Dakota. It is evident, Mr. President, that the Senator intends to give a tariff to the great Powder Trust of the United States. That is true, is it not?

Mr. McCUMBER. Mr. President, I have stated that if we give a duty of 1 cent per pound upon nitrate, out of which explosives are manufactured, we ought to give an equivalent duty on the explosives. If 80 per cent is used we ought to give a duty of eight-tenths of a cent upon the explosives. Otherwise the nitrate would come in in the form of explosives instead of in the form of nitrate. That, of course, necessarily follows.

Mr. SMOOT. It does not apply to powder; it refers to high explosives.

Mr. McCUMBER. It will have little effect on the price of powder; it will generally apply to the price of explosives.

Mr. FRELINGHUYSEN. I understand the compensatory duty would be on dynamite and blasting powder.

Mr. SMOOT. And no other.

Mr. KING. That is, on explosives.

Mr. McCUMBER. When the Senator said powder I understood him to mean blasting powder.

Mr. KING. I did not mean powder used for shooting in a gun, but I understood it to apply to explosives used by farmers, used by miners, and used by contractors. Indeed, you can not build your railroads without it. Even in New York, where they are building houses right in the city, they have perfected their explosive methods so that now they put in explosives and break the rock without destroying contiguous buildings.

Mr. McCUMBER. As I stated, the real question before the committee was whether it was proper to add this duty to the cost to all the producers or let the industry be destroyed in the United States. It is a question of policy, as to which course is the best in the long run.

Mr. KING. I want to thank the Senator for his frankness, and I am sure that if he continues to assume that same frank attitude in the discussion of these questions, as I know he will, we shall get along very much better.

Mr. FRELINGHUYSEN. Mr. President——

The PRESIDING OFFICER (Mr. WILLIS in the chair). Does the Senator from Utah yield to the Senator from New Jersey?

Mr. KING. I yield.

Mr. FRELINGHUYSEN. In order that the direct question may be before the Senate, I present for the committee the following amendment to the amendment.

The PRESIDING OFFICER. The Secretary will state the amendment to the amendment.

The READING CLERK. On page 4, line 16, in lieu of striking out the words "ammonium nitrate" insert:

Ammonium nitrate, 1 cent per pound.

Mr. KING. Mr. President, I have not quite concluded, but the junior Senator from Idaho [Mr. GOODING] wants to speak at this time, and if I yield the floor to accommodate him I desire to ask the chairman of the committee if he will invoke the rule on me when I resume my discussion in a few moments.

Mr. McCUMBER. I certainly shall not do so.

Mr. KING. Then I yield the floor for the present to the Senator from Idaho.

Mr. GOODING addressed the Senate. After having spoken for a few minutes,

Mr. McNARY. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Oregon?

Mr. GOODING. I yield.

Mr. McNARY. Mr. President, I think the speech of the Senator from Idaho is of unusual importance. I know the Senator from Idaho has given a great deal of thought to the subject, which he is treating in a very interesting historical manner. I am certain many Senators who have no knowledge of the fact that the Senator from Idaho is addressing the Senate would like to be present to hear him. I therefore suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum is suggested. The Secretary will call the roll.

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

Borah	Heflin	Nelson	Simmons
Brandegee	Hitchcock	Newberry	Smoot
Capper	Johnson	Nicholson	Spencer
Colt	Jones, Wash.	Norbeck	Sterling
Culberson	Kendrick	Oddie	Sutherland
Curtis	Keyes	Overman	Swanson
Dial	King	Page	Townsend
Dillingham	Ladd	Phipps	Underwood
du Pont	Lenroot	Pittman	Wadsworth
Edge	Lodge	Poindexter	Walsh, Mass.
Fletcher	McCumber	Pomerene	Warren
Gooding	McKellar	Rawson	Watson, Ga.
Hale	McKinley	Robinson	Weller
Harris	McLean	Sheppard	Williams
Harrison	McNary	Shortridge	Willis

Mr. SHEPPARD. The Senator from Montana [Mr. WALSH] is detained on official business.

Mr. KEYES. I have been requested to announce that the Senator from Nebraska [Mr. NORRIS] is detained on official business.

The PRESIDING OFFICER. Sixty Senators have answered to their names. A quorum is present.

Mr. GOODING. Mr. President, I hope I may be allowed to conclude my remarks without interruption.

You may search down through the annals of the past as far back as authentic history tells the story of the rise and fall of other civilizations, but nowhere can you find a nation that can be compared, even in the smallest way, with that of our own great country.

For since the Declaration of Independence first proclaimed the birth of a new nation, we have made more progress and advancement and given more to humanity than all of the Old World combined. As I grow older and come in closer touch with this great Government of ours, I marvel at the wisdom and forethought of the founders of this Republic, and I am impressed with one thought, that in their great work they asked and received the guidance of that all-wise Providence that shapes and directs the destiny of nations. Through that inspiration they laid the foundation of this Government, which will live as long as life, liberty, and the pursuit of happiness are accepted as the cardinal principles of this Republic.

In their wisdom they created this Senate, a legislative body that never dies, and how well this Senate has met the responsibilities imposed upon it by the founders of this Republic is best told in the greatness of our country.

Mr. President, the life work of the Senators upon this floor has been along many different lines. In some cases their pathways have been far apart, surrounded by different conditions and environments. So it is not strange that Senators have different viewpoints on many of the great questions that come before this body for consideration. In the discussion of the new tariff bill, that is now before the Senate, we shall hear these different views amplified to the fullest degree.

It has been my hope for many years that, in my lifetime, the American people would come to accept the great principle of protection as a permanent policy of this Government, but in this I fear I shall be disappointed, for the Democratic Party is more of a free-trade party to-day than ever before in its history. And I am going to prove that statement, Mr. President, so far as agriculture is concerned, when I take up the Underwood-Simmons bill for discussion. The leader of the minority [Mr. UNDERWOOD] makes it very clear that the Democratic Party is opposed to protection. In reply to a question asked by the Senator from Michigan [Mr. TOWNSEND] when the lactic-acid amendment was under consideration the Senator from Alabama [Mr. UNDERWOOD] said:

Of course, the Senators on this side of the Chamber are not in favor of protective tariff. If we were levying a revenue tariff, I think 1½ per cent would be sufficient, but from the standpoint of a protectionist, if we are to levy a protective tariff, if the basic rate on the 30 per cent concentration is to be 2 cents a pound, I can not see how a rate above 6 cents a pound can be justified on the higher concentration.

So, Mr. President, the issue between the two great political parties on the tariff question is squarely and clearly drawn, the same as it has been ever since the birth of the Republican Party. The Republican Party is fighting for protection to American labor and American industries. The Democratic Party is fighting against protection to American industries and American labor, or for free trade or for a tariff for revenue only. That is the issue, Mr. President, between the two great political parties, and it must not be misunderstood here in the Senate or by the American people.

Henry Clay said a hundred years ago that the question of free trade and protection would never be settled until it was settled on the side of protection. I do not believe it is going to take another hundred years to settle that question, Mr. President, for I believe the people of America are coming to understand that this country can not exist without proper protection to all of our industries.

Mr. President, for more than 250 years, with the exception of a few years in the early history of this Republic, the American people have been discussing the question of free trade and protection in some form or other. The question of free trade and protection has overshadowed all other public questions in America. Upon this question political parties have divided, and for many years it threatened the destruction of the Union. We fought the Revolutionary War for political independence, that we might have the right to protect our own industries, to trade with our own people, and to sell our products in every market of the world without British domination.

England's attitude toward the Colonies for more than a hundred years before the Revolutionary War was one of enforced slavery. The Colonies were permitted to till the soil and furnish raw material for the British manufacturers, but beyond that they were forbidden to go. William Pitt, a friend of America, declared in the British Parliament that the American Colonies had not even the right to manufacture a horseshoe nail except by permission of the British Government. As early as 1699 the British Parliament, upon the complaint of the English manufacturers, prohibited the American Colonies from exporting any wool, woolen yarns, or cloth produced in the Colonies to any other country.

In 1732 the British Parliament prohibited the exportation of hats from one colony to another, and no hatter was allowed to have more than two apprentices at a time. The Carolinians were forbidden to cut down the pine trees of their vast forests in order to convert the wood into staves or the juice into turpentine and tar for commercial purposes. "To print an English Bible would have been an act of piracy."

In 1750 the British Parliament passed an act which provided that iron should be admitted to Great Britain without duty, but prohibited the erection in the Colonies of slitting or rolling mills or steel furnaces. Such establishments as were already in operation were allowed to continue. The intention of the law was to confine the iron works of the Colonies to the production of iron for the British manufacture.

Lord Chatham said in Parliament that he would not have the Americans make a hobnail. Another noble lord added, "nor a razor to shave their beards." Lord Brougham said in the House of Commons in 1816, "It is well worth while to stifle in the cradle those rising manufactories in the United States which the war had forced into existence." Mr. Robertson, another member, speaking of the British policy, confessed that it "was nothing more nor less than for us"—the English—"to get a monopoly of all markets for our manufacture and to prevent other nations, one and all, from engaging in them."

And so for more than a hundred years the American Colonies had free trade forced upon them with a vengeance. They saw a country before them rich in natural resources beyond descrip-

tion, and they knew and understood that those countries which did not turn their raw materials into the finished product never reached a high state of development or accumulated great wealth.

They knew and understood that England's policy, which denied them the right to turn their raw materials into the finished product, meant enforced servitude to Great Britain. England is far more diplomatic to-day with her trade of the world than she was a hundred years ago. But the English manufacturers leave nothing undone to stifle industries in other countries when they have an opportunity to flood that country with their cheap manufactured products. What is true of England is true of other great commercial nations.

Mr. President, there has never been a time in the history of our country when we needed protection more than we do to-day to safeguard our ports from importations of cheap foreign products, for from the beginning of our existence as a Government we have always paid a higher price for labor than any other country on earth. The difference in the price paid for labor to-day in America and that paid in foreign countries is greater than at any time in our existence as a Nation.

The Hon. C. J. Hannon, member of Parliament from Birmingham, in an address to the members of the National Union of Manufacturers at Birmingham on December 7 of last year quoted the following prices paid for labor at that time in the leading countries of the world:

An ounce of gold purchases 17.22 hours of labor in the United States; 50.16 hours in Great Britain; 95.5 hours in Japan; 117.3 hours in France, and 201.66 hours in Germany.

Mr. President, I wish to submit for the consideration of Senators a comparative statement of earnings and living costs in six different countries for carpenters, plasterers, painters, bricklayers, machinists, and shoemakers. It takes an average of 45 States in the Union in making the comparison with the other countries and all the figures given are based upon the American gold dollar. I ask that the table may be printed in the RECORD as a part of my remarks.

The PRESIDING OFFICER (Mr. WILLIS in the chair). The Senator from Idaho asks to have printed in the RECORD the table which he has described. In the absence of objection, the order is made.

The table is as follows:

	Average daily wage.					
	Germany.	Italy.	Japan.	France.	England.	United States.
Carpenters	$0.72	$0.90	$1.30	$1.38	$3.38	$6.62
Plasterers	.72	.76	1.53	1.66	3.38	8.47
Painters	.72	.80	1.53	1.71	3.08	6.80
Bricklayers	.75	.76	1.53	1.55	3.38	8.72
Machinists	.72	.82	1.50	1.38	2.90	6.40
Shoemakers	.64	.72	1.23	1.20	2.40	6.00
Average	.71+	.79+	1.43+	1.46½	3.08+	7.17+
Cost of food:						
Beef, per pound	.18	.20	(1)	.21	.28	.29
Pork, do	.20	.22	(1)	.30	.30	.38
Horse meat, do	.10	.15	(1)	.18	None.	None.
Rice, do	.04	.05	.07	.07	.08	.09
Cost of clothing:						
Men's suits, ready made	8.00	10.00	(2)	18.00	15.00	20.00
Men's suits, made to order	10.00	12.00	(2)	22.00	18.00	30.00
Rent: Average per week for family house	1.56	2.00	2.80	3.00	3.50	8.75

[1] Little or none used.
[2] Nearly all Japanese workers make their own clothing.

Wages, food, clothing, and rent are average figures. Some localities will show higher figures and others lower than these.

American wages are the average in 45 cities. All wages based on 8 hours' work and pay, excepting in Japan.

WHAT THE WORLD'S WAGES WILL BUY.

This table shows the purchasing power of the average wages paid in 31 trades. Each figure represents the equivalent in food of an average day's wage in the country specified.

To illustrate, a German worker could buy with his day's wage 3¾ pounds of beef or 3¼ pounds of pork, whereas an American worker with his wage could buy 21 pounds of beef or 15½ pounds of pork. Very much the same ratio applies to other foodstuffs.

Purchasing power of an average day's wage (pounds).

	Germany.	Italy.	Japan.	France.	England.	United States.
Beef	3¾	4	None.	6½	9¾	21
Pork	3¼	3½	None.	4½	9	15½
Horse meat	6¾	5	None.	6½	None.	None.
Rice	17	15	16	19	34	65

Mr. GOODING. Mr. President, unless we have courage enough to give these industries the difference in the cost of production here and abroad we shall not start the wheels of industry, nor give an opportunity for employment to the millions of men who have been idle for more than a year, many of them depending largely upon charity for existence.

Mr. President, I am going to review briefly the history of free trade and protection from the close of the Revolutionary War down to the present time. I shall have no trouble in proving that protection to American industries is responsible for our mighty growth and development. I shall have no trouble in proving that protection to American labor is responsible for our American standard of living, our American standard of wages, and our American standard of citizenship that is the best in all the world. On the other hand, I shall have no trouble in proving that free trade or any tariff law that has reduced the duties below the line of protection always brought poverty, hardships, and privations. And to this rule there is no exception, regardless of what political party made the reduction.

At times the disastrous effects of our free trade laws have been delayed owing to wars in Europe or wars in which our own country was involved, but without exception before those free trade laws were repealed, free soup houses had to be established in all of our great cities, and charity forced to feed the poor to prevent death from starvation.

No period in American history, Mr. President, describes more fully the disastrous result of free trade than the eight years following the Revolutionary War, during which time this country existed under the Articles of the Confederation. Those years that we lived under the Articles of Confederation were the nearest approach to free trade of any period in the history of this Republic, and this period has been named by some of our historians as the period of the greatest crisis in our history.

Under those articles each State reserved the right to regulate its own commerce, not only with other States but also with foreign countries. After peace was restored, foreign nations, by playing one State against the other, succeeded in securing for their goods admission into this country practically free of duty.

With our ports wide open to foreign importations and England's fixed policy of waging war on America's industries, it is easy to understand how those manufacturers that had developed during the Revolutionary War were practically destroyed.

In a speech at Pittsburgh on July 8, 1833, Daniel Webster tells the story of how well the British succeeded in their work of destruction. He said:

From the close of the War of the Revolution there came on a period of depression and distress on the Atlantic coast such as the people had hardly felt during the sharpest crises of the war itself. Shipowners, shipbuilders, mechanics, artisans, all were destitute of employment, and some of them destitute of bread. British ships came freely and British products came plentifully, while to the American ships and American products there was neither protection on the one side nor the equivalent of reciprocal free trade on the other. The cheaper labor of England supplied the inhabitants of the Atlantic shores with everything. Ready-made clothes, among the rest, from the crown of the head to the soles of the feet, were for sale in every city. All these things came free from any general system of imposts. Some of the States attempted to establish their own partial systems, but they failed. Voluntary association was resorted to, but that failed also.

Washington, writing to Edmund Randolph, under date of November 19, 1786, said:

Our affairs seem to be drawing to an awful crisis; it is necessary, therefore, that the abilities of every man should be drawn into action in a public line to rescue them, if possible, from impending ruin.

David H. Mason, in his short tariff history of the United States, has this to say of the eight years of free trade under the Articles of Confederation:

Had there been no free trade, there would have been no inundation of foreign goods; had there been no inundation of foreign goods, there would have been no drain of specie; had there been no drain of specie, there would have been no distress from lack of a circulating medium; had there been no such distress, there would have been no impulse toward insubordination to the State. * * * As there was the closest approach to absolute free trade ever tried by this country, so there was the largest harvest of calamities and dangers ever experienced by the American people. That awful crisis at the outset of our career as an independent Nation should be regarded as a monument erected by the sufferings of our forefathers to warn posterity against the delusive and mischievous plausibilities of the free-trade policy.

But in the United States, Mr. President, posterity has not been guided by the lamp of experience on the question of free trade and protection, and I doubt very much if the hard times during those eight years we lived under the Articles of Confederation were any worse than some of those years we have lived under Democratic administrations in the past with their free-trade policies controlling the ports of our country.

To-day we are fighting the same old fight that we have fought for more than a hundred years. It is an old, old story, over and over again, and we find the Democratic Party is opposing

the best protective-tariff measure that has ever been reported to any Congress; a measure that gives protection to all lines of industry in the North, in the South, in the East, and in the West. We find them predicting that dire calamity will come to the country, just as the free trader has been doing for more than a hundred years, and not once have their predictions come true, for history teaches us without exception that almost before the ink was dry on those revenue bills which gave proper protection to all of our industries prosperity returned to bless the American people.

It is not strange, Mr. President, that the First Congress of the United States, after the Constitution was adopted and necessary laws were enacted providing for the machinery of the Government, should pass a protective-tariff measure as its first general law. This act was signed by President Washington on the 4th of July, 1789.

In discussing our first protective tariff bill in Congress, Fisher Ames, of Massachusetts, said:

I conceive, sir, that the present Constitution was dictated by commercial necessity more than any other cause. The want of an efficient Government to secure the manufacturing interest and to advance our commerce was long seen by men of judgment and pointed out by patriots solicitious to promote our general welfare.

To prove the truth of my statement, Mr. President, that free trade has always meant poverty and distress, and that protection has always brought prosperity and happiness to the American people, I am going to read extracts from the messages of our Presidents and from the speeches of some of our great statesmen giving a description of the conditions that have existed under free trade and protection in America.

I especially want to call the attention of the Senate to the condition of our country during the first 27 years of our existence as a Government, when ample protection was given to all lines of industry. President Washington said in his seventh annual message to Congress, in 1795:

Every part of the Union displays indications of rapid and various improvements; and with burdens so light as scarcely to be perceived, with resources fully adequate to our present exigencies, with government founded on the genuine principles of national liberty, and with mild and wholesome laws, is it too much to say that our country exhibits a spectacle of national happiness never surpassed if ever before equaled?

John Adams was elected President in 1796. In his third annual message to Congress he said:

The flattering prospects of abundance from the labors of the people by land and by sea; the prosperity of our extended commerce, notwithstanding interruptions occasioned by the belligerent state of a great part of the world; the return of health, industry, and trade to those cities which have lately been afflicted with disease, and the various and inestimable advantages, civil and religious, which, secured under our happy frame of government, are continued to us unimpaired, demand of the whole American people sincere thanks to a benevolent Deity for the merciful dispensations of His providence.

Thomas Jefferson was elected President in 1800. In his sixth annual message to Congress he said:

The question therefore now comes forward, to what other objects shall these surpluses be appropriated, and the whole surplus of impost, after the entire discharge of the public debt and during those intervals when the purposes of war shall not call for them? Shall we suppress the impost and give that advantage to foreign over domestic manufacture? On a few articles of more general and necessary use the suppression in due season will doubtless be right, but the great mass of the articles on which impost is paid are foreign luxuries, purchased by those only who are rich enough to afford themselves the use of them. Their patriotism would certainly prefer its continuance and application to the great purposes of the public education, roads, rivers, canals, and such other objects of public improvement as it may be thought proper to add to the constitutional enumeration of Federal powers.

Jefferson, it is said, in his young manhood was a free trader, but became a strong protectionist as President, when he understood and knew the necessity of protection to American institutions and American labor.

In a letter to his friend, Colonel Humphries, dated January 2, 1809, Jefferson said:

My idea is that we should encourage home manufactures to the extent of our own consumption of everything of which we raise the raw materials.

In the same year, in a letter to Thomas Leiper, he said:

I trust the good sense of our country will see that its greatest prosperity depends on a due balance between agriculture, manufacture, and commerce.

I especially call the attention of my Democratic friends to the expression "due balance between agriculture, manufacture, and commerce," because there is no due balance between manufacture and agriculture in the Underwood-Simmons tariff law, practically everything produced by the farmer being placed on the free list under that law or a duty so low provided that it is not even a revenue duty.

In a letter to Benjamin Austin, under date of January 9, 1816, Jefferson said:

We have experienced what we did not then believe, that there exists both profligacy and power enough to exclude us from the field of interchanges with other nations; that to be independent for the comforts of life, we must fabricate them ourselves. We must now place our manufacturers by the side of the agriculturist. The former question is now suppressed, or rather assumes a new form. The grand inquiry now is, shall we make our own comforts or go without them at the will of a foreign nation? He, therefore, who is now against domestic manufactures, must be for reducing us either to a dependence upon that nation or be clothed in skins and live like beasts in dens and caverns. I am proud to say that I am not one of those. Experience has taught me that manufactures are now as necessary to our independence as to our comforts.

James Madison was elected President of the United States in 1808 and again in 1812. In a special message to Congress, May 23, 1809, he said:

The revision of our commercial laws, proper to adapt them to the arrangement which has taken place with Great Britain, will doubtless engage the early attention of Congress. It will be worthy at the same time to their just and provident care, to make such further alterations in the laws as will more especially protect and foster the several branches of manufacture which have been recently instituted or extended by the laudable exertion of our citizens.

In his special message to Congress February 29, 1815, he said:

But there is no subject which can enter with greater force and merit into the deliberations of Congress than a consideration of the means to preserve and promote the manufactures which have sprung into existence and attained unparalleled maturity throughout the United States during the period of the European wars. This source of national independence and wealth I anxiously recommend to the prompt and constant guardianship of Congress.

The years from 1789 to 1816, the first 27 years of our existence as a Government, were years of prosperity and happiness for the American people. During those 27 years a number of tariff bills were passed, all adding increased duties to agriculture and manufacture. The wonderful change from conditions which existed during the years this country operated under the Articles of Confederation won for protection a place in the hearts of the American people which will endure until that great principle becomes a permanent policy of our Government.

In 1816 there was a demand for the reduction of the high duties that had been enacted in 1812. The pendulum swung too far, and the duties were reduced so low as not to give proper protection to our industries. It is said by some writers that it was not the intention of the Government at that time to have reduced the duties below the line of protection, but nevertheless it had the same deadly effect that all of our tariff laws have had when the rates have been reduced below the line of protection. This reduction brought about a severe panic, in which there was great suffering and distress.

James Monroe was elected President of the United States in 1816, and again in 1820. In his first inaugural address, March 4, 1817, he said:

Our manufactures will likewise require the systematic and fostering care of the Government. Possessing, as we do, all the raw materials, the fruit of our own soil and industry, we ought not to depend in the degree we have done on supplies from other countries. While we are thus dependent the sudden event of war, unsought and unexpected, can not fail to plunge us into the most serious difficulties. It is important, too, that the capital which nourishes our manufactures should be domestic, as its influence in that case instead of exhausting, as it may do in foreign hands, would be felt advantageously on agriculture and every other branch of industry. Equally important is it to provide at home a market for our raw materials, as by extending the competition it will enhance the price and protect the cultivator against the casualties incident to foreign markets.

President Monroe calls attention to excessive importations from foreign countries, and refers to the condition of the country after the protective tariff had been reduced below the line of protection.

The serious condition brought about by reducing the duties in the act of 1816 below the line of protection gave the protectionists the election in 1824, and John Quincy Adams was elected President. In his fourth annual message to Congress, December 2, 1828, he said:

The great interests of an agricultural, commercial, and manufacturing nation are so linked in union together that no permanent cause of prosperity to one of them can operate without extending its influence to the other. All these are alike under the protective power of legislative authority, and the duties of the representative bodies are to conciliate them in harmony together.

Is the self-protecting energy of this Nation so helpless that there exists in the political institutions of our country no power to counteract the bias of this foreign legislation; that the growers of grain must submit to the exclusion from the foreign markets of their products; that the shippers must dismantle their ships, the trade of the North stagnate at the wharves, and the manufacturers starve at their looms, while the whole people shall pay tribute to foreign industry, to be clad in a foreign garb; that the Congress of the Union are impotent to restore the balance in favor of native industry destroyed by the statutes of any realm?

The administration of John Quincy Adams was one of great national prosperity. A protective tariff measure, known as the American system, was enacted. In 1832 Henry Clay, in describing the serious conditions which existed under the act of 1816 and the prosperity which followed the enactment of a protective

tariff measure during Adams' administration, said in the United States Senate:

Eight years ago it was my painful duty to present to the other House of Congress an unexaggerated picture of the general distress pervading the whole land. We must all know that the people were then oppressed and borne down by an enormous load of debt; that the value of property was at the lowest point of depression; that ruinous sales and sacrifices were everywhere made of real estate; that stop laws and relief laws and paper money were adopted to save the people from impending destruction; that a deficit in the public revenue existed, which compelled the Government to seize upon and divert from its legitimate object the appropriations to the sinking fund to redeem the national debt; and that our commerce and navigation were threatened with a complete paralysis.

In short, sir, if I were to select any term of seven years since the adoption of the present Constitution which exhibited a scene of the most widespread dismay and desolation, it would be exactly that term of seven years which immediately preceded the establishment of the tariff of 1824.

I have now to perform the more pleasing task of exhibiting an imperfect sketch of the existing state of the unparalleled prosperity of the country. On a general survey we behold cultivation extended, the arts flourishing, the face of the country improved, our people fully and profitably employed, and the public countenance exhibiting tranquillity, contentment, and happiness.

And if we descend into particulars we have the agreeable contemplation of a people out of debt; land rising slowly in value, but in a secure and salutary degree; a ready though not extravagant market for all the surplus productions of our industry; innumerable flocks and herds browsing and gamboling on 10,000 hills and plains, covered with rich and verdant grasses; our cities expanded, and whole villages springing up, as it were, by enchantment; our exports and imports increased and increasing; our tonnage, foreign and coastwise, swelling and fully occupied; the rivers of our interior animated by the perpetual thunder and lightning of countless steamboats; the currency sound and abundant; the public debt of two wars nearly redeemed; and, to crown all, the Public Treasury overflowing, embarrassing Congress, not to find subjects of taxation, but to select the objects which shall be liberated from impost.

If the term of seven years were to be selected of the greatest prosperity which this people have enjoyed since the establishment of their present Constitution, it would be exactly that period of seven years which immediately followed the passing of the tariff of 1824.

This transformation of the conditions of the country from gloom and distress to brightness and prosperity has been mainly the work of American legislation, fostering American industry, instead of allowing it to be controlled by foreign legislation cherishing foreign industry. The foes of the American system in 1824, with great boldness and confidence, predicted, first, the ruin of the public revenue and the creation of a necessity to resort to direct taxation. The gentleman from South Carolina, General Hayne, I believe, thought that the tariff of 1824 would operate a reduction of revenue to the large amount of $8,000,000. Secondly, the destruction of navigation; thirdly, the desolation of commercial cities; and, fourthly, the augmentation of the price of objects of consumption and further decline in that of the articles of our exports.

Every prediction which they made has failed, utterly failed. Instead of the ruin of the public revenue, with which they then sought to deter us from the adoption of the American system, we are now threatened with its subversion by the vast amount of the public revenue produced by that system. Every branch of our navigation has increased.

That it should be necessary to defend a system of policy which had produced such decidedly beneficial, such magical, such stupendous effects on all the great and minor interests of the country, public and private effects which everybody knew, everybody saw, is indeed a just subject of wonder.

Yet we have been doing the same thing for a hundred years, Mr. President.

ANDREW JACKSON A PROTECTIONIST IN 1824.

In a letter to Dr. L. H. Coleman, of North Carolina, General Jackson said:

* * * Heaven smiled upon us and gave us liberty and independence. The same Providence has blessed us with the means of national independence and national defense. If we omit or refuse to use the gifts which He has extended to us, we deserve not the continuance of His blessing. He has filled our mountains and our plains with minerals—with lead, iron, and copper—and given us a climate and soil for the growing of hemp and wool.

These being the great materials of our national defense, they ought to have extended to them adequate and fair protection that our manufacturers and laborers may be placed in a fair competition with those of Europe and that we may have within our country a supply of these leading and important articles so essential to war.

I will ask, What is the real situation of the agriculturist? Where has the American farmer a market for his surplus produce? Except for cotton, he has neither a foreign nor a home market. Does not this clearly prove, when there is no market at home or abroad that there is too much labor employed in agriculture? Common sense at once points out the remedy—take from the agriculture in the United States 600,000 men, women, and children and you will at once give a market for more breadstuffs than all Europe now furnishes us with.

In short, sir, we have been too long subject to the policy of British merchants. It is time we should become a little more Americanized, and instead of feeding paupers and laborers of England feed our own; or else, in a short time, by continuing our present policy we shall be paupers ourselves.

It is therefore my opinion that a careful and judicious tariff is much wanted to pay our national debt and to afford us the means of that defense within ourselves on which the safety of our country and liberty depends; and last, though not least, give a proper distribution of our labor, which must prove beneficial to the happiness, wealth, and independence of the community.

Andrew Jackson was elected President in 1828, and again in 1832. In his first annual message to Congress, December 9, 1829, he said:

The agricultural interest of our country is so essentially connected with every other, and so superior in importance to them all, that it is scarcely necessary to invite it to your particular attention. It is principally as manufactures and commerce tend to increase the value of agricultural productions and to extend their application to the wants and comforts of society that they deserve the fostering care of the Government.

The Democratic Party has changed its attitude materially since Andrew Jackson's time, as far as agriculture is concerned.

The period between 1820 and 1832 saw a most remarkable change in the sentiment on the great question of free trade and protection in America. Cotton had become king in the South and the slave traffic a thriving business. Two million four hundred and eighty-six thousand two hundred and twenty-six slaves were the chattels of southern planters.

With no manufacturing industries in the South and no labor to protect, the South believed its interests would be best served by free trade. John C. Calhoun, who had been a strong protectionist, became a free trader, as well as the rest of the great men of the South at that time.

McCleary, in his work entitled "Protection our Proper Permanent Policy," says of the great contest of 1832:

Andrew Jackson still favored a protective tariff. In 1832 he was renominated for the Presidency. Calhoun having gone over to the antiprotectionists and having been elected as United States Senator from South Carolina, Martin Van Buren, of New York, was nominated for Vice President. Jackson and Van Buren were elected.

As soon as the result of the election was known the antiprotectionists of South Carolina met in convention and declared that "the tariff acts of 1828 and 1832 were unconstitutional, null, and void, and not binding on the State, its officers, or its citizens," and that it should be unlawful for any officer of the State or of the United States to collect duties under those laws within the limits of South Carolina, and declared that any attempt of the National Government to enforce these laws would be inconsistent with the longer continuance of South Carolina in the Union, and that military resistance should be made if necessary. This was South Carolina's nullification ordinance of 1832. The argument on which it was based, written by Calhoun, was the basis of the actual secession a generation later.

South Carolina's threat of secession was vigorously answered by Andrew Jackson's famous announcement, "The Union must and shall be preserved." This proclamation of December 10, 1832, ending with the words, "The Constitution and the laws are supreme and the Union indissoluble," are among the ablest and most interesting of our State papers. Congress passed a bill empowering the President to enforce the laws. But Jackson was naturally reluctant to use force, especially against his native State. "To preserve the Union," a compromise on the tariff was effected under the leadership of Henry Clay. Jackson signed the force bill and the tariff bill on the same day, March 2, 1833. Two weeks later South Carolina repealed her nullification ordinance.

The tariff law of 1832 was taken as the basis of the compromise. All duties exceeding 20 per cent were to be reduced by "one-tenth part of such excess" on January 1, 1834; by another tenth part on January 1, 1836; and so continuing each alternate year until January 1, 1842, when "one half of the residue of such excess" was to be deducted, and the other half on July 1 of the same year. So that beginning July 1, 1842, there would be a uniform duty of 20 per cent.

In 1834, after the first reduction in rates of duty, the customs revenue fell off nearly 50 per cent. But the revenues from the sales of public lands were sufficient to more than make up for the deficiency. There was still a surplus in the National Treasury, part of which was loaned to the States. In 1836, however, the second reduction took effect, and in 1837 there was a financial panic. Shortly after Van Buren's inauguration as President a committee of New York merchants visited Washington and told him that their city was lying "prostrate in despair, its credit blighted, its industry paralyzed."

Protectionists do not charge the panic of 1837 entirely to the reductions in the tariff. The financial panic was no doubt partly due to the destruction of the United States bank, to consequent wildcat banking, and to the specie circular. But the deficiency in the National Treasury, after the loans to the States, and the business depression following the panic, must be charged chiefly to the failure of the tariff law after 1834 to furnish either sufficient revenue or adequate protection. This view is confirmed by the fact that the hard times continued until after the enactment of the tariff law of 1842. * * *

The extent of the business depression throughout the country prior to the enactment of this law is shown by the following extract from Colton's Life of Henry Clay:

"In Ohio, with all her abundance, it was hard to get money to pay taxes. The sheriff of Muskingum County, as stated by the Guernsey Times, in the summer of 1842, sold at auction 1 four-horse wagon at $5.50; 10 hogs at 6½ cents each; 2 horses (said to be worth $50 to $75 each) at $2 each; 2 cows at $1 each; one barrel of sugar for $1.50; and a store full of goods at the same rate.

"In Pike County, Mo., as stated in the Hannibal Journal, the sheriff sold: Three horses at $1.50 each; 1 large ox for 12½ cents; 5 cows, 2 steers, and 1 calf, the entire lot for $3.25; 20 sheep for 13½ cents each; 24 hogs for 25 cents for the lot; 1 eight-day clock for $2.50; 1 lot of tobacco (7 or 8 hogsheads) for $5; 3 stacks of hay at 25 cents each; 1 shock of fodder at 25 cents."

The advocates of protection carried the country in 1840, and William Henry Harrison was elected President. He died soon after his inauguration. The Vice President, John Tyler, became President, and a strong protective tariff measure was passed on August 20, 1842, which was almost magical in its effect. Prosperity was restored, and protection again proved all that its advocates had claimed for it.

In 1844, former President John Quincy Adams said:

The tariff of 1842 has wrought wonders for the purposes for which it was enacted—the procurement of an adequate revenue and of protection for the native industry and free labor of the land. It has fully performed its promises to the Nation, filled the coffers of the Treasury, provided ample means for defraying the current expenses of the years 1842, 1844, and 1845, and already paid off a large proportion of the heavy debt contracted by the preceding administration.

In 1844 the Democrats won the election, and James K. Polk was elected President. On July 30, 1846, a revenue bill, known

as the Walker Act, was passed. It gave very satisfactory protection to the agricultural interests, but failed to give proper protection to the manufacturers, which resulted in large importations of foreign goods. Before the end of President Polk's administration the business of the country was in a most serious condition.

In President Polk's second annual message, December 8, 1846, he said:

In resuming your labors in the service of the people, it is a subject matter of congratulation that there has been no period in our past history when all the elements of national prosperity have been so fully developed. Since your last session no afflicting dispensation has visited our country. General good health has prevailed, abundance has crowned the toil of the husbandman, and labor in all its branches is receiving an ample reward, while education, science, and the arts are rapidly enlarging the means of social happiness. The progress of our country in her career of greatness, not only in the vast extension of our territorial limits and the rapid increase of our population, but in resources and wealth and in the happy conditions of our people, is without an example in the history of nations.

When President Polk delivered his second annual message on December 8, 1846, he described very fully the conditions that existed in the country during the four years of the protective tariff act of 1842. While the Walker Tariff Act was passed July 30, 1846, it did not go into effect until December 1 of that year. Thus it is seen that when President Polk's message was delivered, the Walker Tariff Act had been in effect only six days, not long enough, I am sure, to be responsible for the wonderful growth and development of our country so well described by President Polk.

In 1848 the Whigs carried the election and Taylor was elected President with Fillmore Vice President. In his first annual message to Congress, December 4, 1849, President Taylor said:

I recommend a revision of the existing tariff and its adjustment on a basis which may augment the revenue. I do not doubt the right or duty of Congress to encourage domestic industry, which is the great source of national as well as individual wealth and prosperity.

I look to the wisdom and patriotism of Congress for the adoption of a system which may place home labor at last on a sure and permanent footing, and, by due encouragement of manufactures, give a new and increased stimulus to agriculture and promote the development of our vast resources and the extension of our commerce. Believing that to the attainment of these ends, as well as the necessary augmentation of the revenue and the prevention of frauds, a system of specific duties is best adapted, I strongly recommend to Congress the adoption of that system, fixing the duties at rates high enough to afford substantial and sufficient encouragement to our own industry and at the same time so adjusted as to insure stability.

On July 9, 1850, President Taylor died and Vice President Fillmore became President. In his third annual message to Congress, December 6, 1852, recommending increased protection, President Fillmore said:

In my first annual message to Congress I called your attention to what seemed to me some defects in the present tariff, and recommended such modifications as in my judgment were best adapted to remedy its evils and promote the prosperity of the country. Nothing has since occurred to change my views on this important question.

Without repeating the arguments contained in my former message in favor of discriminating protective duties, I deem it my duty to call your attention to one or two other considerations affecting this subject. The first is the effect of our large importations of foreign goods upon our currency. Most of the gold of California as fast as it is coined finds its way directly to Europe in payment for goods purchased. In the second place, as our manufacturing establishments are broken down by competition with foreigners the capital invested in them is lost, thousands of honest and industrious citizens are thrown out of employment, and the farmer to that extent is deprived of a home market for the sale of his surplus produce.

In the third place the destruction of our manufactures leaves the foreigner without competition in our market, and he, consequently, raised the price of the article sent here for sale, as is now seen in the increased cost of iron imported from England. The prosperity and health of every nation must depend upon its productive industry.

In 1852 the Democrats carried the election and Franklin Pierce was elected President. The country was afire with the question of slavery, as it had been throughout the administration of Taylor and Fillmore. The bitter struggle to extend slavery into the free-soil States overshadowed all other questions, and no attempt was made to revise the tariff until almost the last months of the administration. On March 3, 1857, a revision of the tariff was made; from 25 to 30 per cent reduction was made on practically all farm products. The tariff bill of 1857 was as unfair to agriculture as the Walker bill had been to the manufactures.

The war with Mexico in 1846, the discovery of gold in California in 1848 and 1849, and the Crimean War, which ended in 1856—all these mighty factors were not enough to save the country from another panic, which had been steadily growing on the country since the passage of the Walker Tariff Act in 1846. With a revenue act that was unfair to both agriculture and manufacturing, the country was ripe for another panic.

In 1856 the Democrats carried the election again and James Buchanan was elected President. In his first annual message to Congress, December 8, 1857, he told the story of the hardships and privations of the American people in this land of plenty, the same story that other Presidents and other great men have told when describing the conditions of the country under revenue laws that did not afford proper protection to all of our industries. He said:

In the midst of unsurpassed plenty in all the production of agriculture and in all the elements of national wealth we find our manufactures suspended, our public works retarded, our private enterprises of different kinds abandoned, and thousands of useful laborers thrown out of employment and reduced to want. The revenue of the Government, which is chiefly derived from duties on imports from abroad, has been greatly reduced.

It is not strange, Mr. President, that the country should witness another panic after the radical reduction of the protection to farm and range products, and so in the year of 1857 the country was again cursed with a dreadful panic for its folly for reducing the tariff below the point of adequate protection from the cheap products of foreign countries.

Horace Greeley, in an editorial in the New York Tribune, had this to say of the panic of 1857:

Who is hungry? Go and see. You that are full fed and know not what it is to be hungry, perhaps never saw a hungry man, go and see. Go and see thousands of men and women, boys and girls, old and young, black and white, of all nations crowding and jostling each other, almost fighting for the first chance, acting more like hungry wolves than human beings in a land of plenty, waiting until food is ready for distribution. Such a scene may be seen every day between 11 and 2 o'clock around the corner of Orange and Chatham Streets, where charity gives a dinner to the poor.

In 1860, Abraham Lincoln was elected President, and the bitterness over slavery and free trade, which had been growing for more than 30 years, brought on secession of the Southern States. Very properly South Carolina led off and was followed in rapid succession by the other Southern States.

In February, 1861, delegates from South Carolina, Mississippi, Florida, Alabama, Georgia, Louisiana, and Texas met in convention at Montgomery, Ala., and adopted a constitution, which was subscribed to later by the States of Virginia, Arkansas, North Carolina, and Tennessee. Article 8 of the Confederate constitution reads as follows:

The congress shall have power to lay and collect taxes, duties, imposts, and excises for revenue necessary to pay the debts, provide for a common defense, and carry on the Government of the Confederate States; but no bounties shall be granted from the treasury, nor shall any duties or taxes on importations from foreign nations be paid to promote or foster any branch of industry, and all duties, imposts, and excises shall be uniform throughout the Confederate States.

And so if the Southern States had succeeded in the Civil War they would have been a free-trade country by constitutional provision. As a result of the Civil War slavery perished, and by every right free trade should have perished with slavery, for slavery is responsible for free trade in America, but the southern politicians have stuck doggedly to their free-trade policy, and as far as agriculture and its affiliated industries are concerned the Democratic Party is nearer a free-trade party to-day than at any time in its existence.

In 1867 the Republican Party passed a general tariff bill which gave adequate protection to all our industries, and the country responded with great growth and prosperity. Grant was elected President in 1868, but unfortunately the Republican Party listened to a demand for a revision of the tariff downward. In 1870 and 1872 it allowed a material reduction in the protection afforded practically all of our industries.

In 1873 the country was visited by a severe panic. There is no doubt that other conditions which existed in the world at that time contributed to the mistake the Republican Party had made in reducing the tariff below the line of protection. But it is the old, old story of panic when our industries are not properly protected.

In 1875 the Republican Party materially increased the protection to many of our industries. Prosperity returned to again prove the statement that without adequate protection there can be no prosperity.

I pass over the period from 1875 to Grover Cleveland's second administration. I am sure all will agree that the country enjoyed great development and prosperity. I know of no better example of what free trade and protection mean to the prosperity of the country than Grover Cleveland's two administrations. In his first administration the Republican Party had control of the Senate. During those four years not a Democratic law was passed. A free-trade measure passed the House, but was defeated in the Senate, and the country continued its prosperity during those four years when Grover Cleveland operated this Government under Republican protective tariff laws. During those four years when Grover Cleveland operated this country with Republican protective tariff laws he paid off $260,000,000 of the national indebtedness.

President Harrison was elected in 1888, and the country continued in its line of development, with prosperity in every State

in the Union. Then Grover Cleveland was elected again in 1892, and how well I remember one of their campaign songs. It ran something like this:

Grover, Grover,
Four more years of clover.

Well, they got Grover, but if anybody was in clover during those four years I never heard of it.

In that campaign they boasted of the splendid prosperity of the country under Grover Cleveland's first administration, and they succeeded in fooling the people and elected a Democratic House and a Democratic Senate. The Republican protective tariff laws were repealed and a free-trade measure known as the Wilson-Gorman Act was passed.

No human tongue can tell the story of the misery and sufferings of those four years when Grover Cleveland tried to run this Government under free trade laws. Instead of paying off any of the national indebtedness, he was forced to borrow $230,000,000 to pay the running expenses of the Government. One hundred and seventy-seven railroads, with mileage enough to reach twice around the earth, could not meet their obligations and were forced into the hands of receivers. Those four years witnessed 60,000 commercial failures, with liabilities amounting to $1,000,000,000. One hundred and seventy-five national banks closed their doors, and the balance of trade turned ruinously against us. If capital alone had suffered, it would have been bad enough; but the real suffering came to the army of unemployed in the great cities, where free soup houses had to be established to prevent death from starvation.

The saddest thing I know of in this life is to see a man who has struggled for almost half a century to accumulate a little property for his old age, then to find himself, through no fault of his own, a pauper in his declining years. Such a condition came to hundreds of thousands of our citizens during that panic in Grover Cleveland's second administration.

With all these terrible lessons before us, how the American people can go on and submit to these outrages every time the Democratic Party gets control of the Government is beyond my understanding.

In 1896, William McKinley, the great champion of protection, was elected. He convened Congress into special session and repealed those Democratic free trade laws, an act known as the Dingley bill was passed, which gave protection to American industries and American labor. Out of the gloom and misery and suffering of those four years of Grover Cleveland's second administration came a period of great growth and development and prosperity unequaled in the history of the whole world. The country continued its onward march of progress through the Roosevelt administration and the Taft administration, and then came the election of 1912. With the Republican Party divided, the industries of this country again fell prey to another Democratic administration.

Woodrow Wilson was elected President in 1912. He convened Congress in special session and passed a free trade measure known as the Underwood-Simmons bill. Of all the unjust, unfair, and discriminatory revenue bills passed in this country the Underwood-Simmons bill is by far the worst in its treatment of agriculture and its affiliated industries. When I study the free-trade list in the Underwood and Simmons bill, I shudder when I think what might have happened had it not been for the great World War. Even with Europe preparing for war, storing up a surplus for the greatest struggle civilization has ever known, the deadly effect of the Underwood-Simmons bill was making itself felt upon the industries of the country.

Speaking of the conditions that existed before the war, the New York Tribune, in an editorial on August 12, 1920, had this to say:

> When the war came to Europe this country, as the business world generally recognized, was headed for an industrial crash. The Underwood tariff bill went into effect on October 3, 1913. In the beginning of 1914 its effect began to show. For six months the tide of imports rapidly rose, and incidentally American factories began to close. Is there doubt of what would have happened if Europe had not been compelled to turn to making war supplies? The tariff question is now little discussed, but men of foresight are making guesses as to what will happen here when Europe reaches the full production toward which she is swiftly moving.

That is a question, Mr. President, which no man can answer. With a new world before us, and with new conditions, only time can solve the mighty problems which confront the world to-day. I want to see my country in the future, as in the past, continue to be the great beacon light of civilization for the whole world, but if we open our ports to the pauper conditions which exist in some of the European countries to-day, or reduce the duty below the line of protection, we shall soon reduce the laborers of this country to their standard of living and their standard of wages. This, in my judgment, we should not do. There is too much intelligence in America among the workingmen in our factories, in our mines, and on our farms to submit quietly to the standard of living and the standard of wages which exist in any European country to-day.

But without proper protection to our industries the difference in the cost of production here and abroad must be wiped out very largely or the factories, the mines, and the farms to a large extent must stop their production. For after all the question of free trade and protection is the laboring man's question. If he is willing to accept the same wages and the same conditions which exist in foreign countries, no industry in America will need any protection.

I should be glad to see the standard of the laborers of Europe brought up to our own standard of living and our own standard of wages. Those who believe in protection, however, will never permit our standard to be forced down to the level of that which exists in any European country.

In 1920 Warren G. Harding was elected President, and in February of 1921 the emergency tariff bill was passed. It is said that one of the last official acts of President Wilson was to veto the emergency tariff bill.

In President Harding's first message to Congress, speaking of agriculture, he said:

> One who values American prosperity and maintained American standards of wage and living can have no sympathy with the proposal that easy entry and the flood of imports will cheapen our costs of living. It is more likely to destroy our capacity to buy. To-day American agriculture is menaced, and its products are down to pre-war normals, yet we are endangering our fundemental industry through the high cost of transportation from farm to market and through the influx of foreign farm products, because we offer, essentially unprotected, the best market in the world. It would be better to err in protecting our basic food industry than paralyze our farm activities in the world struggle for restored exchanges.

The same emergency tariff bill that was vetoed by President Wilson was passed by a Republican Congress and signed by Warren G. Harding on the 27th day of May, 1921. The emergency tariff bill was fought by the Democratic Party with the same bitterness that all other protective tariff bills have been fought. They charged the Republican Party with playing a bunko game on the farmers. How well I remember the tears that were shed by some of the Senators on the other side of the Chamber for the poor farmers. They insisted that the emergency tariff bill would only add to the burdens of the farmer. One of their pet sayings was:

> The farmer asks for bread and the Republican Party give him a stone.

They were sure that the emergency tariff bill would increase the farmer's burdens. Like every other protective tariff bill that has ever been passed, Mr. President, it has been almost magical in its effects. It not only saved the live-stock industry from destruction but materially benefited every other industry to which it gave protection.

Believing that the farmers and those interested in industries protected by the emergency tariff bill are the best judges of its effects, I sent out a few telegrams and asked them to advise me by wire what effect the emergency tariff bill had had on their industries.

I shall not take up the time of the Senate to-day in discussing the benefit of the emergency tariff bill to the farmer, but I send to the desk and ask to have read 134 telegrams which I have received. I believe that they answer very fully the resolution submitted by the junior Senator from Mississippi [Mr. HARRISON] and the inquiries which he has made as to the effect of the emergency tariff bill. Ever since the passage of the emergency tariff bill Senators on the other side have been demanding to know what benefits have accrued from it.

Mr. KING. Does the Senator desire to have them read now?

Mr. GOODING. I desire to have them read, and I should like to have the Senator from Utah listen to them. I wish to say that the telegrams come from 29 different States in the Union, and I think they tell the story very fully.

Mr. KING. If I may be pardoned, I will say to the Senator that I have a great many telegrams upon all sorts of questions, and I am sure some of them would be exceedingly instructive to the Senator from Idaho.

Mr. GOODING. It is the Senator's privilege to present them. If there is one thing that is sacred to the American people, it is the right of petition, for that is about the only way the American people can be heard. I ask that one telegram from each State may be read from the desk and that the remainder of the telegrams may be printed in the RECORD.

There being no objection, the telegrams were read as requested, and all the telegrams were referred to the Committee on Finance and ordered to be printed in the RECORD.

The telegrams will be found following the conclusion of Mr. GOODING'S speech, May 16.

The PRESIDING OFFICER (Mr. WELLER in the chair). The pending question is on agreeing to the amendment offered by the Senator from New Jersey [Mr. FRELINGHUYSEN] to the committee amendment on page 4, line 16.

Mr. KING. Mr. President, when I yielded the floor at the request of the Senator from Idaho [Mr. GOODING] I was discussing the amendment which was offered by the Senator from New Jersey [Mr. FRELINGHUYSEN].

Before proceeding to a discussion of that I want to call attention very briefly to an item which appears in this morning's New York Times. There has been a great deal of talk about foreign trade, and the distinguished Senator from Idaho, who has just delivered an historical address, as I am advised, though I have not had the pleasure of hearing it except now and then a sentence as I came into the Chamber, discussed the importance of what he denominated the home industry.

We have a good many people in the United States, as I have had occasion heretofore to remark, who conceive that the prosperity of the American people is dependent solely upon the home market, and that if there shall be any foreign market it will be disastrous to the home market. It is remarkable that many of those persons who are so solicitous for the home market are profoundly interested in finding foreign markets for our surplus products, appreciating, of course, as every sensible person must appreciate, that unless there shall be an outlet for the surplus goods produced in the United States there will be a subsidence of the wave of prosperity in the United States until it shall reach the level of a dead calm.

Some business men, I should judge from this article which appears in the New York Times of this morning, convened yesterday in Philadelphia. There were bankers, manufacturers of locomotives, and farmers at the Ninth National Foreign Trade Convention, and they agreed, the article says, "that the nations of the world were economically interdependent." That view must be a shock to the tariff bloc and the agricultural bloc in the Senate. The troglodytes constituting the tariff bloc have insisted upon a policy which forbids exports and forbids imports. Their view has been and still is that there is no interdependence between nations; that each nation is a unit, standing isolated, like some great peak capped in snow and lost in the icy atmosphere of the ethereal blue.

We have those narrow, provincial people nowadays, Mr. President, who want the United States to be isolated as one of the peaks of the Himalayan Mountains is isolated. They do not believe in the interdependence of nations. They do not want to export any of our products, and, of course, it is anathema to them to suggest the possibility of importing anything from other lands.

I wonder how it is that some of these lobbyists—one of whom at least is now in the galleries, who is not an American citizen—have come here in the interest of these extortionate rates; I wonder why some of them left their home countries and came to America. Why did they not stay in other countries? Why not carry to its logical sequence the policy of national isolation? Why did some of the aliens who have been lobbying in the Capitol come to this country? Why did some of our German friends, our English friends, and others from foreign lands, who now seem so solicitous for what they denominate the home market, come to this country? They seem to assume we make a nice distinction between foreigners and foreign goods.

One of these lobbyists recently went down to North Carolina and met there with some of the manufacturers of the textile mills. The manufacturers were opposed, as all patriotic Americans ought to be opposed, to embargoes. This lobbyist, representing the du Ponts and the Dye Trust, secured a reversal of the policy of the organization and an indorsement of the damnable and iniquitous policy of embargo. I should think Mr. Herty would enjoy the distinction he has of being a lobbyist for corporations and combines engaged in such nefarious business.

But to return:

Speakers at the opening session, attended by some 2,000 delegates from all sections of the United States and a number of foreign countries, found themselves in accord on their diagnosis of the causes of the world's trade depression. Their suggested remedies were based upon the necessity of "a return to normal world trade conditions."

Attempts to minimize the importance of the foreign trade of the United States by asserting that it was only 10 or 15 per cent, as compared to domestic trade of 85 or 90 per cent, were declared "dangerously fallacious" by James S. Alexander, president of the National Bank of Commerce of New York.

"The difference between normal business conditions and depression is no more than 15 or 20 per cent in volume," Mr. Alexander declared. "Those who consider the mere ratio of foreign and domestic trade lose sight of the fact that without the foreign trade the domestic consumption would shrink and national prosperity wane."

Our farmers ought to know about that. Our farmers ought to know that if the foreign markets were closed to their wheat and their corn and their live-stock products, their prosperity, whether it be great or only moderate, would shrink to the vanishing point and ruin inevitably would overtake them. Of course, as I have indicated repeatedly, we can attain a certain degree of prosperity, a certain degree of wealth, by having a domestic market and having it all to ourselves. If I could obtain a franchise from the State of New York for the construction of any commodity; if I had a monopoly for that purpose; if New York were an independent State, so that it might exclude products; and, pursuant to the monopoly, an exclusive act were passed, I could grow immensely rich under that monopolistic policy which had been, under this supposititious case, adopted by the State of New York.

But what about the people? It is much the same in connection with the State of Connecticut, to which I referred the other day. I concede that protection, protection per se, to the extent of excluding all products, may be beneficial, and undoubtedly will be beneficial, at least temporarily, to those who have the monopoly. If I have the monopoly to carry passengers between Albany and New York, I will grow very prosperous in the exercise of that monopoly.

So, Mr. President, a manufacturing State may build up a tremendous business, giving employment to a large number of people by supplying the home market with certain products; but if there shall be any competition at home or competition from abroad, prices necessarily would be reduced, and that reduction would be reflected in cheaper prices to the great consuming public. Everybody wants the manufacturer and the farmer to obtain a reasonable price. What we are protesting against is the policy which puts it in the power of any individual or any corporation or any class or any group to impose burdens upon the people which are unjust, through the instrumentality of tariff or any other laws.

But I was calling attention to the views of the business men and farmers who recognize the importance of foreign exports, of foreign business, and who recognize the interdependence of nations. I continue the reading:

In conclusion, Mr. Alexander said:

"The welfare of other nations is so closely interwoven with that of the United States that if the question of our foreign trade is to be interpreted with any degree of breadth whatever it should be considered in the light of the trade of these other nations. There can be no final recovery of the domestic trade in any nation until the normal international trade relations, which alone support the great international division of labor, can be reestablished."

Mr. Julius H. Barnes, of Duluth, in a discussion of the effect of the collapse of foreign currency upon American markets, stated—this is not in quotation marks, and probably is the reporter's deduction or interpretation of Mr. Barnes's remarks:

America depends upon the export market to dispose of 60 per cent of her cotton, 50 per cent of her tobacco, and 20 per cent of her wheat, he declared, and unless these commodities could be sold to foreign consumers the American farmer must suffer in a decline in the prices of the stuff he raises.

"Greater prosperity through greater foreign trade" was the slogan sounded by James A. Farrell, president of the United States Steel Corporation and chairman of the national council, in opening the convention.

The views of these distinguished men from various walks of life—bankers, manufacturers, representatives of agricultural interests—seem to me to be sound and should commend themselves to the judgment of the Senators when they are framing tariff legislation.

Mr. President, I have upon a number of occasions adverted to the fact that usually when we have heavy protective tariffs to the exclusion of any possible competition then behind those tariff walls combinations are formed. My good friend the junior Senator from New Jersey [Mr. EDGE] has been making some very enlightening speeches to the business men of the Nation, to trade organizations, and to chambers of commerce. His purpose is entirely praiseworthy, but I do not quite agree with his conclusions or his deductions. I believe that the policy which he is so earnestly promoting and which was exemplified in the resolution which we had before us a few days ago and which we silently laid in the tomb by our votes, if it were carried into execution, would be exceedingly dangerous to the American people.

Mr. President, there are organizations which have patterned themselves according to the Eddy formula, and they have trade associations and open-price organizations, ostensibly for collecting information to be of advantage to them in trade; but, as the Supreme Court of the United States said in the Hardwood Lumber Association case, that organization—and, of course, all which come within the same category—was an organization in violation of the Sherman antitrust law and was subject to disintegration as a monopoly, and those who effectu-

ated the organization were subject to prosecution as criminals for violating the Sherman antitrust law.

The trouble with many of the corporations of the United States is that they want to take advantage of the high tariff laws to control the domestic market and to form combinations in restraint of trade. I want all American business men to be prosperous. I want them to have a reasonable profit upon their capital, but I protest against these bulwarks erected through tariff laws and then, when foreign competition is destroyed, to permit organizations in the domestic market to combine in order to force the prices of commodities which the people must have to heights which make living almost unbearable and life oppressive to the great mass of American people. We have these hundreds of organizations. About a year or a year and a half ago I went in as an interested spectator and saw a meeting of some of the oil men. I have attended the meetings of a number of these organizations or groups. Ostensibly they get together for the purpose of talking over prices and giving information, but the result of it was, and the result always will be, that by some subtle influence, if not by some direct agreement, prices are fixed or conditions are so stabilized, to use a favorite expression, as that prices will either be raised to the injury of the people or prices will be prevented from falling.

Adam Smith knew a good deal about human nature, and he said whenever people get together who are engaged in the same trade they will always conspire and combine for the purpose of their own profit. Now, I believe in competition. I believe in a competitive system because—and I want to say this in good faith to the business men of the United States, whose friend I am—unless we do have competition we are going to have Government regulation and Government ownership. The best friend of the business men of the United States is the man who tells them to quit combinations and quit organizations for the purpose of maintaining prices. The best friend that the business man has in the United States is the one who tells him that there must be competition—honest competition, legitimate competition. The trouble has been with the business men that they do not want competition and they have conspired and combined, just like the Du Pont dye trust, which swallowed up a large number of organizations until to-day it has a capital of hundreds of millions of dollars, just like the allied chemical and dye organization which swallowed up a score or more of chemical organizations until it has become a colossus in size and a giant in the power which it exercises in the industrial life of the country.

I have no objection to big business. Perhaps there are some economies which may be effectuated through large business organizations, and yet, as was pointed out by Mr. Justice Brandeis, of the Supreme Court, before he went upon the bench, there are disadvantages in large organizations and in the end they may become top-heavy, and smaller organizations, efficiently managed, where genius has free play, will displace them, in part at least, in the market in which the big corporation felt that it was unchallenged and unchallengeable; that it was supreme.

Mr. President, I notice in this morning's New York Times a statement which shows that building materials, brick and all those commodities which are necessary for the construction of houses, are again going up in price, not as the result of legitimate competition but because of combinations in restraint of trade. It is reported that the main obstacle to the $10,000,000 building project by the Metropolitan Life Insurance Co. was the high cost of materials. Because of the practices of Wood, Wire, and Metal Lathers, No. 6, of Brooklyn, which were criminal and illegal, it was understood that the attention of the grand jury would be called to their operations.

Mr. President, the Senator from Idaho [Mr. GOODING] had a telegram read at the Secretary's desk in reference to the lumber industry in the Northwest. I have not yet had occasion to examine the lumber schedule, but my able colleague [Mr. SMOOT], if I make any observation respecting it, will correct me if I am not right; but I was about to observe that I doubt whether the attention of his committee was called to the findings which I think the Federal Trade Commission recently filed with the Senate, a copy of which I asked be sent to the Attorney General, if one had not been sent to him, with respect to the operations of the lumbermen in the Northwest.

My understanding of the findings of the Federal Trade Commission is that that lumber organization had been guilty of the same practices as those followed by the Hardwood Lumber Co., whose case came before the Supreme Court of the United States. Members of the Hardwood Lumber Co., and I have no doubt members of the lumber organizations of the Northwest, have been insisting upon high tariff rates upon their products. I am not going to pause to discuss whether tariff rates are necessary upon those products; I am only calling attention to the fact, Mr. President, that there is a tendency to-day in the United States, which is unfortunate, upon the part of so many of our business men to form associations and combinations to restrict competition or to destroy competition.

I wish that my Republican friends upon the other side, whose voice will be more potential with those business interests than mine will be, and I wish my able colleague [Mr. SMOOT] and the Senator from North Dakota [Mr. MCCUMBER] would tell the business men of the United States, and especially those who are to be the beneficiaries of this proposed tariff act, "If you exploit the people, if you charge rates for your commodities and products that are unjust, if you seek to form combinations in restraint of trade, if you violate the Sherman law and the Clayton Act, then the very temple of your industry will be pulled down over your heads and industrial ruin and chaos will come to the American people." Senators on the other side of the Chamber ought to tell the business men of the United States that. The American business men who are to profit by these proposed tariff rates ought to be told, in the language of the able Senator from North Dakota in his opening speech, that they ought to be satisfied with "meager profits." If they will do that, if the American business men will be fair, we are going to enter upon an era of prosperity, Mr. President, no matter which party is in power; no matter whether we have the Simmons-Underwood law or this proposed law. My opinion is that this proposed law, however, will prove very injurious to the economic and industrial development of the country; that it will impede rather than advance; that it will limit the wide circle of prosperity which we should enjoy to narrow and more circumscribed limits. Of course, there is a difference of opinion, and my brethren upon the other side of the Chamber are entitled to their judgment, and it may be just as good as mine.

Mr. GOODING. Mr. President——

The PRESIDING OFFICER (Mr. CAPPER in the chair). Does the Senator from Utah yield to the Senator from Idaho?

Mr. KING. I yield.

Mr. GOODING. I want to ask the Senator from Utah, does he believe if the Underwood-Simmons law, with wool and other agricultural products on the free list, were in force to-day there would be any prosperity at all in the West?

Mr. KING. Mr. President, I have stated to the Senator from Missouri and to the Senator from California that when we come to the wool schedule and the sugar schedule and the metal schedule, if I have an opportunity, I shall have something to say upon those schedules. I will say to the Senator that, in my judgment, the emergency tariff law, to which he has referred and with the enactment of which he doubtless had much to do, does not affect the result at all. I want to say further, Mr. President, as I have stated on this floor, at least I have said so in public, that I have not accepted the view of some that tariff duties, either for revenue or for incidental protection, must be laid upon raw materials. I have never taken that view at all, nor was that ever the Democratic view. It is the view of some Republicans; it is the view of some Democrats. I have found more Republicans—I am not saying this by way of criticism at all; I am merely stating what I regard as a fact which has come under my observation—who have advocated free raw materials than I have Democrats. I do not say there are more Republicans who do so, but I have had the good fortune to meet a large number of able Republicans who have favored free raw materials. I do not want to enter upon a discussion of those matters, as I desire to get through with this bill as soon as possible. If, however, the Senator wishes to ask me a further question I will yield.

Mr. GOODING. Mr. President, I merely wish to say that those Republicans whom my friend from Utah has met who were in favor of free raw materials never served in the Senate or in the House of Representatives to frame Republican free-trade measures when the Republican Party was in power. The Republican Party has always given protection to what our Democratic friends call raw materials.

Mr. KING. Mr. President, the able Senator from Idaho, I suppose, is competent to interpret the platform of his party, and the policies of his party. I might differ from him as to what his party had stood for, and what his party stands for now; but that is neither here nor there.

Mr. President, I was about to advert to an observation or two made by the Senator from North Dakota and the Senator from New Mexico. The Senator from North Dakota, as I understood his explanation of this item, said, in substance, that the committee had first reached the conclusion that ammonium nitrate should be placed upon the free list. Later

the committee wobbled, to use his expression, and now a member of the committee, the senior Senator from New Jersey, offers an amendment asking that a duty of 1 cent a pound be placed upon ammonium nitrate. He would treat ammonium nitrate as if it were a delicate medicine. It is sold by the ton, and a duty of $20 a ton is what he desires upon ammonium nitrate. Why did the committee wobble? Of course, it is clear. Representatives of some corporations in the United States who are here in the Capitol, here in Washington, brought pressure to bear, undoubtedly, upon one or more of the Republican members of the committee for the purpose of transferring this commodity from the free to the dutiable list at the high rate of $20 per ton, 1 cent per pound.

I wish to make one observation here as a result of the statement made by the Senator from New Jersey, if I understood him correctly, in which he alluded to the War Department.

There are some men down in the War Department—in the chemical-warfare section of it—who are so closely related to the Du Ponts and the lobbyists of the dye monopoly here that you can not tell one from the other. The Chemical Foundation, and the American Dyes Institute, and the Du Pont corporation, through its agencies, collaborating and conniving with some of those officers in the chemical-warfare section, have tried to bring the pressure of the War Department to bear in behalf of some of these schedules. If some of the officials of the Government in the War Department would attend to their business a little more and cease their lobbying activities they would be doing better service to their country. Some of them ought to be driven out of the chemical-warfare section of the War Department and turned over to the Du Ponts, where they belong, and to the dye monopoly, whose brand apparently they seem to desire to wear. Some of those members of the chemical-warfare section have lobbied, or have attempted to develop public sentiment by going through the country making exhibitions of the products of the dye industry.

I think that the Du Pont corporation—the Allied Chemical and Dye Corporation—and the other trusts and combinations that are to be the beneficiaries of this chemical schedule do not need the War Department as allies to effectuate their purposes, but they have been getting very generous support from some of the officers of the War Department. They have been fooled and imposed upon by the dye lobby as they have tried to impose, ignorantly, their views upon others.

Mr. President, I ask again, why did the committee wobble? Why did the committee put this item on the free list and then submit to a change to 1 cent per pound, or $20 per ton? I am sure the members of the committee did not do it of their own volition. The initiative was by some interested party. Who was the interested party or parties? I will leave it for the Senators and for the country to determine. I make no complaint whatever against the committee. I am not attempting in any wise to criticize their actions. I am merely reciting a fact which was disclosed in the honest and frank and courageous statement of the able chairman of the committee.

I know the pressure to which this committee is subjected, Mr. President; and I believe that the members of the committee feel constrained, because of their positions on the committee, after action has been taken, to support schedules or items or rates which, if they were left to their own judgment, they would not support in the form in which those schedules or items or rates appear in the pending bill. Probably I should do the same if I were upon the committee. There is a sort of a comradeship, I suppose, and a solidarity of action that it is felt must be maintained; and yet, when we come to consider these things vital to the interest of the American people, it does seem to me that we ought to act upon our independent judgment. However, I make no comment upon that, other than to say that it has been disclosed now that after action was taken—action which undoubtedly was correct—we are forced to consider a proposition in the interest of certain manufacturing concerns in the United States.

The Senator from North Dakota made another observation, and I want to call that to the attention of the chairman of the agricultural bloc, and to the attention of the chairman of the tariff bloc, the junior Senator from Idaho [Mr. GOODING]. I do not see him here now. These distinguished gentlemen profess to have supreme interest in the agriculturist, and they have. They are absolutely sincere in their desire for the development and welfare of agriculture; but the Senator from North Dakota has stated that if you put this duty of 1 cent a pound, or $20 a ton, upon ammonium nitrate, you must have a compensatory duty upon dynamite and other explosives, which are largely used now by the farmers in the removal of stumps, in the removal of stone and rock from their fields, and for various other purposes; and, of course, in our mining operations and railroad building and in the digging of foundations for our buildings we use millions of pounds of dynamite and other explosives annually in the United States.

The compensatory duty, my good friend from North Dakota says, will be eight-tenths of a cent per pound. I do not know how much it will be. I do not think the Senator knows. I have no doubt that the committee will recommend that, but we do not know what form it will assume before we get through. The committee may be called together again to consider the question of a compensatory duty with respect to these commodities, and the same pressure which has caused the committee to wobble upon this item, or other pressure, may cause them to wobble upon the compensatory duty, and it may be 1 cent or 1⅛ cents. No one knows. I repeat, however, that, even if this compensatory duty shall be fixed at eight-tenths of 1 cent, we do not know what additions or accretions will be made to the price of the finished product as it is carried on to the ultimate consumer.

No one can tell that. It is a mere conjecture, and I shall waste no time in making speculations. I only say this to our farmer friends here, whom the Senator from New Hampshire [Mr. MOSES] has designated in a rather facetious way, most of them lawyers, one farmer, I think; I want to say to these Senators who love the farmers: When you vote for this eleventh-hour amendment offered by the Senator from New Jersey you are voting to increase the price of dynamite and other explosives to the farmers, to the miners, to the builders, and to a large number of the people of our country. You are striking at American industry. By this tariff you are putting more money into the pockets of the trust.

But they say—and the Senator from North Dakota is right—we have not manufactured very much ammonium nitrate in the United States. I have here a part of a page from the Tariff Summary which deals with this subject. I read that this product, in addition to being used for explosive purposes and in explosive mixtures, is used as an anesthetic, as laughing gas. Production was greatly increased during the war to supply the demand for explosives. The imports in 1915 were more than 3,500,000 pounds, and they have greatly increased, so that for the last nine months they aggregate more than 30,000,000 pounds, with a unit value of 6 cents per pound. That would mean the foreign export price. I might add that the pre-war price was 5½ cents per pound, and the present domestic price is only from 5½ to 6½ cents per pound.

Mr. McCUMBER. Mr. President——

Mr. KING. I yield.

Mr. McCUMBER. Would the Senator object to bringing his figures down now to the latest data we have on the importations?

Mr. KING. I have it right here, and I was going to put it in, but the Senator may put it in.

Mr. McCUMBER. I was going to say that the imports for the nine months ending March, 1922, amounted to 44,290,786 pounds, and the imports during the nine-months period ending as I have stated, if continued for a year, would amount to 59,000,000 pounds a year; and inasmuch as in previous years our consumption has been about 30,000,000 pounds per year, the Senator can see the immense amount that is coming in over our former use.

I am of the opinion that we are getting a much broader use, which justifies the greater imports; but the Senator can easily see that where the opinion of the committee might be very much divided a month ago, for instance, with this additional information brought down to date they might very well take a view that would lean to the other side, to the protection side of the case.

If the Senator will allow me right there, in reference to one remark that he made about people being here and influencing the committee——

Mr. KING. Yes.

Mr. McCUMBER. I will say to the Senator that no one has been before the committee at all except a member of the committee upon this subject, and that the Senator from New Jersey [Mr. FRELINGHUYSEN] at all times from the very beginning has insisted upon the 1-cent duty. Of course, what ones of his own constituents may have visited him I can not say, but he has been consistent throughout.

Mr. KING. Mr. President, the accurate figures for the year 1921—and I was about to give them when the Senator interrupted me—are 50,163,622 pounds.

Mr. McCUMBER. I carried that to March of 1922, and took the year ending at that time.

Mr. KING. I have secured these figures from the Department of Commerce.

Mr. President, may I make one observation, not quite germane to what the Senator has said, but his position, I think, warrants it? Some people take the position that whenever it is disclosed that there is an importation, some evil has come to the United States, or is about to come to the United States. I wonder what we would think if other nations took that view when they witness the tremendous importations from our country to theirs, or the exportations from our country which constitute importations into their country?

Mr. McCUMBER. I will state to the Senator about the view they take. They wish that that were not so, but they say to themselves, "This is the cheapest market that we can get the article in, and therefore we have to purchase it from the United States," not through love of us but because they can get it cheaper here. If they could get it cheaper somewhere else, they would get it there.

Mr. KING. I think that the Senator, and many of my other Republican friends, as well as some of our American political economists—Professor McLoughlin, for instance, and others—have taken too narrow a view of this question. They have not taken into account the fact that we are in what might be denominated a transitory state. We were a young country, with enormous undeveloped resources. Naturally, soon after the establishment of this Republic, and for an indefinite period thereafter, the attention of the people would be taken in the development of the agricultural resources of the country. That is always the case. Agriculture precedes manufacture.

Then, as the lands are taken possession of and cultivated and cities are founded and urban population is created the people turn to manufacturing. We had immense deserts to cross, prairies to inhabit, railroads to be constructed, bridges to be built, mountains to be tunneled, and for years the great constructive genius of the great American people, perhaps the greatest in the world, was devoted largely to the big enterprises of which I have spoken. Some of our political economists, when they see that we have been importing a good many things, as well as exporting, rush to the conclusion that that is wrong, that we ought to stop at once, and they jump to the conclusion that we must put a high tariff duty on in order to compel the diversion of capital from some industries which are remarkably profitable into other less profitable lines of industry.

The Senator from North Dakota is a practical man, as well as a student of world conditions and of political economy, and he knows that whenever capital is glutted in a given market it seeks an outlet in some other. When we had harnessed the East and the West with iron rails and the railroad business ceased to be profitable, then capital, which had been invested in railroads, went into other things.

So it will be that, as the needs of the people demand, capital which formerly was engaged in one line of business will be diverted and employed in another. We do not build our industries overnight; there is no Aladdin's lamp which will touch an industry and cause it to spring full fledged from the brow of Jove as Minerva, the pagan goddess, did; but we build our industries as we need them. The great industries of Connecticut, the industries of Pennsylvania, and of the other manufacturing States, were not built overnight, but as the needs of the people require capital goes to satisfy those needs, and development ensues.

So I do not regard it as a calamity or as a misfortune that we find some industry in the United States that is not as fully developed as it is in some other countries; that we do not find manufacturers here making many little articles which are manufactured in other countries.

As I indicated the other day, American business men and manufacturers have preferred quantity and big things to the little things. So Irish lace and Belgian lace, and originally Swiss watches, and things upon which a vast amount of hand labor was applied, we have rather spurned, preferring that the technician, the slow, plodding German, as we have been pleased to denominate him, and others overseas, with their patience, might have, I will not say, undisputed sway in those fields, but that they might have rather a free field. But whenever we see others profit in anything, we will apply capital for the development of the products which belong to that particular industry.

Mr. President, coming to this particular item, we have in the United States such vast quantities of the primary articles, if I may use that expression, which enter into ammonium nitrate that we can beat the world. The Haber process, of which the Senator from New Jersey spoke, we have here. The American Cyanamid Co. is now operating, and if not using the Haber process for making cyanamid, is employing some other nitrogen fixation process, which it regards as superior to the Haber process.

We can manufacture all sorts of nitrogenous substances, produce all sorts of aluminum substances, compounds, and salts in the United States as cheaply as they can be produced anywhere else in the world, if not cheaper. There is no necessity for this tariff. It will swell the profits of big concerns, notably the General Chemical Co., which is a branch of the great Allied Chemical & Dye Corporation, of which I have spoken. It is manufactured by Powers, Weightman & Rosengarten, and by others. They would be the beneficiaries of this amendment.

In my opinion, Mr. President, the Senate ought to reject the amendment offered by the Senator from New Jersey.

Mr. SIMMONS obtained the floor.

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

The VICE PRESIDENT. The Secretary will call the roll.

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

Borah	Glass	McCumber	Sheppard
Brandegee	Gooding	McKellar	Shortridge
Broussard	Hale	McKinley	Simmons
Calder	Harreld	McLean	Smoot
Capper	Harris	McNary	Stanley
Caraway	Harrison	Nelson	Sutherland
Colt	Heflin	Newberry	Swanson
Culberson	Johnson	Nicholson	Townsend
Curtis	Jones, N. Mex.	Norris	Underwood
Dial	Jones, Wash.	Oddie	Wadsworth
Edge	Kellogg	Overman	Walsh, Mass.
Elkins	Kendrick	Page	Watson, Ga.
Fletcher	Keyes	Phipps	Watson, Ind.
France	King	Pittman	Weller
Frelinghuysen	Ladd	Poindexter	Willis
Gerry	La Follette	Pomerene	

The VICE PRESIDENT. Sixty-three Senators having answered to their names, a quorum is present.

Mr. SIMMONS. Mr. President——

Mr. McCUMBER. Mr. President, I wish to ask the Senator from North Carolina, if there is no one else to speak on this question, if he will not let us vote upon it at this time?

Mr. SIMMONS. I yield for that purpose.

Mr. KING. Let the amendment be stated.

The VICE PRESIDENT. The amendment to the amendment will be stated.

The READING CLERK. On page 4, line 16, in lieu of the word "nitrate," proposed to be stricken out, insert "ammonium nitrate, 1 cent per pound."

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

Mr. KING. On that I call for the yeas and nays.

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

Mr. McKELLAR (when his name was called). I have a general pair with the junior Senator from Indiana [Mr. NEW], which I transfer to the senior Senator from Tennessee [Mr. SHIELDS], and vote "nay."

Mr. WATSON of Georgia (when his name was called). I have a general pair with the junior Senator from Arizona [Mr. CAMERON]. Being unable to obtain a transfer, I refrain from voting.

The roll call was concluded.

Mr. COLT (after having voted in the affirmative). I have a general pair with the junior Senator from Florida [Mr. TRAMMELL]. I transfer that pair to the junior Senator from Delaware [Mr. DU PONT] and allow my vote to stand.

Mr. GLASS. I have a general pair with the senior Senator from Vermont [Mr. DILLINGHAM], who is necessarily absent. I therefore withhold my vote.

Mr. WATSON of Indiana (after having voted in the affirmative). I transfer my general pair with the senior Senator from Mississippi [Mr. WILLIAMS] to the senior Senator from Pennsylvania [Mr. CROW] and permit my vote to stand.

Mr. EDGE. I transfer my general pair with the senior Senator from Oklahoma [Mr. OWEN] to the junior Senator from Pennsylvania [Mr. PEPPER] and vote "yea."

Mr. UNDERWOOD (after having voted in the negative). I understand the senior Senator from Massachusetts [Mr. LODGE] has not voted.

The VICE PRESIDENT. That Senator has not voted.

Mr. UNDERWOOD. I have a general pair with the senior Senator from Massachusetts. I transfer that pair to the Senator from Montana [Mr. MYERS] and let my vote stand.

Mr. GLASS. I find that I can transfer my general pair with the Senator from Vermont [Mr. DILLINGHAM] to the senior Senator from Nebraska [Mr. HITCHCOCK], which I do, and vote "nay."

Mr. JONES of New Mexico. I transfer my general pair with the senior Senator from Maine [Mr. FERNALD] to the senior Senator from Missouri [Mr. REED] and vote "nay."

Mr. FRELINGHUYSEN. I transfer my general pair with the Senator from Montana [Mr. WALSH] to the junior Senator from Oregon [Mr. STANFIELD] and vote "yea."

Mr. STANLEY. I have a general pair with the Senator from Kentucky [Mr. ERNST]. I transfer that pair to the senior Senator from Arizona [Mr. ASHURST] and vote "nay."

Mr. SIMMONS. I wish to announce that if the senior Senator from Missouri [Mr. REED] were present, he would vote "nay."

Mr. SUTHERLAND. I transfer my general pair with the senior Senator from Arkansas [Mr. ROBINSON] to the junior Senator from Missouri [Mr. SPENCER] and vote "yea."

Mr. JONES of Washington (after having voted in the affirmative). Has the senior Senator from Virginia [Mr. SWANSON] voted?

The VICE PRESIDENT. That Senator has not voted.

Mr. JONES of Washington. The Senator from Virginia stated that he might have to be away and I promised to take care of him with a pair if he could not be present. I find, however, that I can transfer my pair with the Senator from Virginia [Mr. SWANSON] to the junior Senator from Iowa [Mr. RAWSON], which I do, and let my vote stand.

I wish to announce that the Senator from South Dakota [Mr. STERLING] is paired with the Senator from South Carolina [Mr. SMITH].

I also wish to announce that the senior Senator from Kansas [Mr. CURTIS] is detained on business of the Senate.

The result was announced—yeas 35, nays 24, as follows:

YEAS—35.

Brandegee	Gooding	McCumber	Poindexter
Broussard	Hale	McKinley	Shortridge
Bursum	Harreld	McLean	Sutherland
Calder	Johnson	Nelson	Townsend
Colt	Jones, Wash.	Newberry	Wadsworth
Edge	Kellogg	Nicholson	Watson, Ind.
Elkins	Kendrick	Oddie	Weller
France	Keyes	Page	Willis
Frelinghuysen	Ladd	Phipps	

NAYS—24.

Borah	Gerry	King	Pomerene
Capper	Glass	La Follette	Sheppard
Caraway	Harris	McKellar	Simmons
Culberson	Harrison	Norris	Stanley
Dial	Heflin	Overman	Underwood
Fletcher	Jones, N. Mex.	Pittman	Walsh, Mass.

NOT VOTING—37.

Ashurst	Hitchcock	Pepper	Sterling
Ball	Lenroot	Ransdell	Swanson
Cameron	Lodge	Rawson	Trammell
Crow	McCormick	Reed	Walsh, Mont.
Cummins	McNary	Robinson	Warren
Curtis	Moses	Shields	Watson, Ga.
Dillingham	Myers	Smith	Williams
du Pont	New	Smoot	
Ernst	Norbeck	Spencer	
Fernald	Owen	Stanfield	

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

The VICE PRESIDENT. The question is on agreeing to the amendment of the committee as amended.

Mr. KING. Mr. President, I wish to congratulate the agricultural bloc and Senators upon the other side of the Chamber upon their fidelity to the interests of the American people and the farmers. I hope the newspapers will carry the joyful news that the Republicans by this vote have stated to the farmers, to the miners, to the road builders, to those who use explosives and dynamite that they have made a present of 8 cents per pound to the vested interests and the trusts. I congratulate the people upon having such splendid representatives on the other side of the Chamber.

Mr. FRELINGHUYSEN. Mr. President, the Senator from Utah should extend his congratulations to those who believe in protecting American industry and keeping independent in this country those products which are necessary for national defense and not turning over the domination of this industry to Germany.

Mr. TOWNSEND. Mr. President, I wish to ask the Senator having charge of the bill with reference to an item on which we voted yesterday, when the Senate added "bicarbonate," in line 14, on page 4. Does that still leave the matter in such form that when we get through with the committee amendments a Senator can offer an amendment relative to the rate agreed upon on that item?

Mr. McCUMBER. Of course, the Senate can change any rate when the bill comes into the Senate or after we have passed upon the committee amendments. I stated yesterday that bicarbonate is interchangeable with ammonium carbonate and that the prices are about the same, and therefore it was inserted so as to take it out of the basket clause and give it practically the same rate.

Mr. TOWNSEND. I realized that. I simply wanted it understood that later, when we get into the Senate, we can propose a change in the rate on ammonium carbonate.

Mr. KING. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state the inquiry.

Mr. KING. Is it necessary to reserve a vote in the Senate upon this matter?

The VICE PRESIDENT. The Chair understands that it is not necessary.

Mr. KING. I desire to give notice that I shall move, when we reach the free list, to transfer this item to the free list, and if defeated in that I shall ask for a separate vote upon the action of the Senate as in Committee of the Whole.

Mr. SIMMONS. Mr. President, I shall take but a brief time to discuss the two items in this paragraph designated as ammonium phosphate and ammonium sulphate. Both of these items are used very largely, and one of them chiefly as a fertilizer, the first item, ammonium phosphate, not being used to quite such a great extent as the second item, ammonium sulphate.

I will first direct attention to ammonium phosphate. The Tariff Commission, referring to that product, says:

> There are two important ammonium phosphates, the monammonium phosphate and the diammonium phosphate. These are of little commercial importance compared with the other ammonium compounds, but are used in the manufacture of fireproof cloth and paper and for medicinal purposes. The sodium salt of acid ammonium phosphate has important analytical uses. There is a fertilizer known as Ammo-Phos sold in two grades; one grade contains 13 per cent ammonia and 47 per cent "available phosphoric acid," the other contains 20 per cent ammonia and 20 per cent "available phosphoric acid."

That product, I say, is very largely used as a fertilizer. In fact, in the sections of country where tobacco, cotton, and potatoes are raised that product, with ammonium sulphate, constitutes probably the largest element that enters into the fertilizer that is used.

The usual formula of the fertilizers that are chiefly used in the southern section of the United States is designated as 8–3–3 or 8–4–4. The 8 per cent represents acid phosphate, the 4 per cent ammonia, and the 4 per cent potash. Before the World War the prices of fertilizer in this country were very high. They advanced to exceedingly high levels during that war, but for some reason, I do not know exactly why, it has been very difficult for the users of fertilizer to resort to any method by which they have been able to induce or to coerce the producers of fertilizers to reduce their prices to the same level, or anything like the same level, to which the prices of agricultural products have been reduced. So, to a very large extent, we are paying now for fertilizers prices upon one level—and a very high level—and we are getting for the crops which we raise through the use of those materials a very low price.

In the year 1920 the tobacco growers of the South, in many instances, were not able to sell their tobacco for enough to pay for the fertilizers used in cultivating the plants, and in many instances during that year the receipts from the cotton crop were not much more than sufficient to pay the fertilizer bill. I do not know of anything, therefore, that is so essential to the development of the agriculture of the United States, especially in that part of the country from which I come, as cheap fertilizer. I raise both cotton and tobacco, and use large quantities of fertilizer. I raised cotton and tobacco before we began to use fertilizer to any considerable extent, and I can state as a fact from personal knowledge that we have been able practically to double the yield of our lands planted in cotton by the use of a moderate amount of fertilizer, and we have been able to add at least one-third to the yield of our tobacco lands.

Mr. TOWNSEND. What kind of fertilizer is used in the Senator's section of the South?

Mr. SIMMONS. The fertilizer which we generally use consists of 8 parts of acid phosphate, 4 parts ammonia, and from 3 to 4 parts potash. As I have stated, the formula is 8–3–3 or 8–4–4 generally; but the proportion of the ingredients may be changed as desired. What I have stated, however, is the ordinary formula which is used in the production of cotton and tobacco.

Mr. DIAL. Mr. President——

The VICE PRESIDENT. Does the Senator from North Carolina yield ot the Senator from South Carolina?

Mr. SIMMONS. I yield.

Mr. DIAL. I should like to ask the Senator from North Carolina is it not more important now than heretofore that farmers should use fertilizer on cotton in order to rush the crop to maturity before the ravages of the boll weevil become so serious? Is not the boll weevil much worse later in the season?

Mr. SIMMONS. What the Senator from South Carolina stated is unquestionably true. The advent of the boll weevil

makes it necessary for us to use a large quantity of fertilizer in order to advance the crop as rapidly as possible, to the point where the boll weevil can not so successfully attack it. The boll weevil arrives rather late in the season, and if we can get our cotton bolls well matured before its arrival it does not do much damage. In order to stimulate the crop and to obtain a rapid growth it is necessary that we shall use more fertilizer than heretofore has been the custom.

There are some States where so much fertilizer is not used, but I state it as an undoubted fact with reference to agriculture in the South that the use of fertilizer in liberal quantities has nearly doubled the yield of the staple crops which we produce. If we can get the necessary fertilizer at a reasonable price it will mean prosperity, but if we have to pay a high price for the fertilizer and the crops are largely absorbed in paying for it, of course it will mean adversity to the southern farmer. I suppose the same is to some extent, but not to so great an extent, true of the farmers in other sections of the country where fertilizers are used. The price of fertilizer is too high now, and there is a crying need that its price be reduced instead of increased.

Mr. President, this is a proposition to increase the price through the tariff on one of the chief elements that enter into the fertilizer which we use in a large section of the United States. I have had a calculation made with reference to the increase that will probably result from the additional duty proposed in this item. The total consumption in 1920 of ammonium sulphate alone for fertilizer use was about 433,000 short tons. The proposed Senate increase in duty of $5 per ton will therefore cost the American farmers at least $2,165,000 per year additional.

Mr. President, there seems to be no necessity for an increase in the duty on this commodity.

Mr. SMOOT. The rate proposed in the bill is a decrease.

Mr. SIMMONS. What is a decrease?

Mr. SMOOT. The duty on ammonium sulphate is decreased from three-fifths of a cent to one-fourth of a cent.

Mr. SIMMONS. Does the Senator mean a decrease from the present law?

Mr. SMOOT. I mean from the House bill.

Mr. SIMMONS. Will not the Senator understand that I am not talking about the House bill? I am talking about the present law. Under the act of 1913 the duty on ammonium phosphate was 1 cent a pound. Under the act of 1909 it was 25 per cent, while under the Senate amendment it is 1½ cents a pound; that is to say, the proposed duty is a half a cent a pound more than that of the present law. I will explain, if necessary, to the Senator from Utah that that is what I meant a little while ago when I said the duty had been increased; it constitutes an increase over the present law of one-half of 1 cent per pound. That means, of course, $10 a ton. Ammonium phosphate is not a very high-priced element as compared with the price of some of the elements out of which fertilizer is made, but the duty proposed amounts to $10 a ton.

I thought I had the consumption figures here, but I find I have not, but, according to my recollection of these two commodities, there are consumed about 433,000 tons, or probably something in excess of that. At any rate, according to my recollection—and I am speaking now from recollection—the additional amount which by reason of the increased duty will be added to the cost of the two elements which I am now discussing, phosphate of ammonia and sulphate of ammonia, runs into millions of dollars. That, of course, is a very serious matter to the farmers in certain sections of the country where fertilizers are extensively used.

What is the justification for the proposed duty? According to the statistics the imports of ammonium phosphate decreased from a maximum of 68,039 pounds—not tons, but pounds—in 1911 to about 7,000 pounds in 1913. Seven thousand pounds is only 3½ tons, which is not enough fertilizer for 25 acres of cotton or of tobacco. The imports increased sharply to 205,742 pounds in 1914. That would be equivalent to about 100 tons, which would not much more than fertilize 500 or 600 acres of land. In 1920 the imports of this product fell to 12,917 pounds, a quantity equal to 6½ tons, valued at $1,509. During the first nine months of 1921 the imports of this product, the duty on which it is now for some mysterious reasons proposed to increase by adding $10 to every ton that the farmer uses, were 1,976 pounds, not quite 1 ton.

I should like very much to be advised why, in the face of those figures, it has been thought necessary to increase the duty. There never have been more than a hundred tons imported at best, and the importations have gradually worked themselves down, under the 1 per cent duty of the present law, to the point where importations do not amount to 1 ton in nine months.

Now, Mr. President, I pass from that item, and I take up ammonium sulphate.

The Tariff Commission says, speaking about ammonium sulphate:

> The largest use in normal times is in the manufacture of fertilizers.

And I think that is absolutely true.

The changes with reference to that in the rates of duty are as follows:

In the act of 1913 this product was on the free list. In the act of 1909, the Payne-Aldrich Act, this product was on the free list. This product always has been on the free list in our tariff bills. This is the first time it has ever been suggested that this great base of the fertilizer used by the farmers of this country should be put on the dutiable list. It is true that the duty carried in the Senate bill is not a high duty. It is one-fourth of a cent per pound. That would amount to $5 a ton. I ask the question there that I asked before, and I am doing it in perfect good faith: Why the necessity? It certainly does not grow out of past import conditions or present import conditions. There must be something behind these increases, moving the committee to impose this duty, besides the conditions growing out of our import trade in these products; and I should like very much to know what it is.

Mr. SMOOT. Mr. President, as far as ammonium sulphate is concerned, it will make no difference whatever to the farmer, because if there is a duty upon ammonium sulphate the farmer will not buy ammonium sulphate, but he will buy nitrate of soda.

Mr. SIMMONS. Why, certainly.

Mr. SMOOT. Because the only element of value as far as the fertilizer is concerned is the nitrogen content, either in the nitrate of soda or in the ammonium sulphate.

Mr. SIMMONS. True.

Mr. SMOOT. So, if Congress imposes a duty upon ammonium sulphate, then, as far as the users of fertilizer are concerned, they will not buy ammonium sulphate but they will buy nitrate of soda.

Mr. SIMMONS. Nitrate of soda made out of ammonium phosphate. That is one of the elements.

Mr. SMOOT. No; it is the nitrogen content of the nitrate of soda.

Mr. SIMMONS. I understand that.

Mr. SMOOT. Therefore, if a duty is put upon ammonium sulphate, then, of course, the fertilizer manufacturers, as I have said, will not buy ammonium sulphate; they will buy nitrate of soda.

Mr. SIMMONS. Yes.

Mr. SMOOT. Because the value of either one of them is only in the content of the nitrogen in the finished product.

Mr. SIMMONS. Does the Senator think that he can put a duty upon any element of a finished product that does not enter into the cost of the production of that product?

Mr. SMOOT. Why, no; but the Senator says that the purchaser of the fertilizer in one case may buy ammonium sulphate just as he would to-day if the price of ammonium sulphate is lower than that of nitrate of soda, but if nitrate of soda is lower as to the nitrogen content then he will buy the soda instead of the ammonium; and I say that there is an inconsistency here, because one is on the free list and one is dutiable.

Mr. SIMMONS. I have told the Senator that the Tariff Commission has stated that the largest use of this product, ammonium sulphate, is in the manufacture of fertilizer.

Mr. SMOOT. It has, and that is true.

Mr. SIMMONS. And I have told the Senator that the fertilizer we use is a fertilizer manufactured very largely out of this product.

Mr. SMOOT. Yes; but I wanted to call the Senator's attention to the fact that ammonium sulphate competes with nitrate of soda, and when one is higher than the other, of course they will not purchase the one that is higher, and we have left nitrate of soda on the free list.

Mr. SIMMONS. Oh, that may be so, Mr. President, but why place a duty on ammonium sulphate when the competing article, nitrate of soda, is left on the free list? Why not safeguard the farmer by placing both ammonium sulphate and nitrate of soda on the free list, when there is absolutely no sound reason to place a duty on either?

Mr. SMOOT. The Senator can not consider what is going to happen to an industry which uses one of the articles without taking into consideration the question of the other article, and what I said was not by way of criticism of what the Senator said. I simply wanted to call his attention to the fact that the situation existing in the law to-day is that nitrate of soda is on the free list, and it competes with sulphate of ammonium,

used for exactly the same purpose as far as fertilizer is concerned, and the value of either one of them depends upon the nitrogen content.

Mr. SIMMONS. And what I want to do is to put them both on the free list, as I have stated to the Senator.

Now, Mr. President, I simply want to give—I said I would take only a few minutes—the imports of this product, so that it may be clearly seen that there is nothing in the import situation that calls for this duty upon this element of fertilizer:

Imports reached a maximum of 103,251 short tons in 1911, then decreased steadily to 3,983 tons in the fiscal year of 1918.

Then they give the later statistics. The later statistics show that in 1920 the quantity imported was 1,993 tons; in the first nine months of 1921, 3,089 tons; showing a falling off since 1911 of 100,000 tons, or 3,000 tons imported now as against 103,000 tons imported in 1911.

Mr. President, imports have not only fallen down to a minimum, a perfectly negligible quantity, but we have been exporting and are now exporting this product in large quantities.

Exports are not shown prior to 1920, in which year (calendar) they were 66,714 short tons, valued at $7,433,350, and for nine months of 1921, 67,422 tons, valued at $4,119,858.

That is to say, Mr. President, we are exporting twenty times as much of this product as we are importing. If the Senators representing the majority think they can justify taking this product from the free list and putting a duty upon it to protect the American producer against foreign competition in the face of these figures, I say, let them go to it, but it will be an absurd act and a useless tax upon the American farmer.

Mr. President, I wish to suggest to the Senator in charge of this bill that as these two products have a very important connection with fertilizer, one of them being chiefly used as fertilizer, and as there is later in the bill an item relating to potash, which is one of the chief elements of fertilizer, it might save time and it might lead probably to more satisfactory results if we should postpone the consideration of this matter until we reach the paragraph dealing with potash, and then discuss together these three items, all relating to fertilizer.

Mr. McCUMBER. Mr. President, I should be disposed to do almost anything that I thought would facilitate the final disposition of this bill. If the Senator feels that it will assist, as I admit that the potash schedule and this schedule are somewhat related to each other, I have no serious objection to passing to the next proposition; but I should like to have all the discussion that Senators are ready to present at this time.

Mr. SIMMONS. I will say to the Senator that if we take up this subject now I think it will lead to an extensive discussion of the fertilizer question, and when we get to potash we will go over exactly the same ground, and the discussion can be directed to all three of the items at one time instead of two of them now and one of them later.

Mr. LODGE. Mr. President, exactly what paragraphs or what items does the Senator wish to pass over?

Mr. SIMMONS. The two relating to ammonium phosphate and ammonium sulphate.

Mr. LODGE. Those two?

Mr. SIMMONS. Those two.

Mr. LODGE. The Senator does not propose to pass over the liquid anhydrous ammonia?

Mr. SIMMONS. There is no change in that.

Mr. LODGE. No change in the House rate?

Mr. SIMMONS. No change in the House rate; no.

Mr. LODGE. It is only those two?

Mr. SIMMONS. That is to say, there is no amendment as to that, and we are dealing now with amendments, as I understand.

Mr. LODGE. The Senator wants to pass over those two items?

Mr. SIMMONS. Yes; that is all.

Mr. FRELINGHUYSEN. Mr. President, a parliamentary inquiry. I offered an amendment making the duty on ammonium nitrate 1 cent per pound. I understand that the committee amendment as amended has not been agreed to, while my amendment has been agreed to. I should like to have that voted on and settled, because it bears no relation to this.

Mr. SIMMONS. I thought we had voted on that this afternoon.

Mr. FRELINGHUYSEN. No; the committee amendment as amended has not been agreed to.

The PRESIDING OFFICER (Mr. WILLIS in the chair). The Chair understands that the question is on agreeing to the committee amendment as amended.

Mr. SIMMONS. I have no objection to a vote on that.

Mr. LODGE. What is that vote?

Mr. FRELINGHUYSEN. That is the ammonium nitrate, 1 cent per pound.

Mr. LODGE. I only want to get at what we are doing. We have stricken out the words "ammonium nitrate."

The PRESIDING OFFICER. The Secretary will state the amendment as amended.

The ASSISTANT SECRETARY. The committee amendment has been amended by adding after "ammonium nitrate" and the comma the words "ammonium nitrate, 1 cent per pound."

Mr. LODGE. As the bill reads, with amendments, the committee proposes to strike out the words "ammonium nitrate," and then "perchlorate" to get the change of a comma, so that it would read:

Ammonium perchlorate and ammonium phosphate, 1½ cents per pound.

The PRESIDING OFFICER. The Chair understands that the amendment that was adopted, offered by the Senator from New Jersey, comes in after the words "ammonium nitrate." Let the Secretary state the amendment.

Mr. LODGE. The words "ammonium nitrate" have to be replaced in the bill at that point. Of course, I do not pretend to know what is proposed, except what is shown by the print before me. We do not want to say "ammonium nitrate" twice.

The PRESIDING OFFICER. Let the Secretary again report the amendment offered by the Senator from New Jersey to the committee amendment, which amendment to the amendment has been agreed to.

The ASSISTANT SECRETARY. The Senator from New Jersey proposed——

Mr. LODGE. I am aware of what he proposed. What I am trying to find out is what has been done with the amendments in their order.

The PRESIDING OFFICER. The Chair understands the question now is on the committee amendment as amended by the amendment offered by the Senator from New Jersey. If the motion shall prevail, the words "ammonium nitrate" will be stricken out, and in lieu thereof will be inserted the words "ammonium nitrate, 1 cent per pound."

Mr. LODGE. That is all right; that is perfectly comprehensible.

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

Mr. SIMMONS. I thought we had voted on it, but I understand the Senator from New Jersey to say we have not.

Mr. FRELINGHUYSEN. I said my amendment to the amendment had been agreed to, but the committee amendment as amended has not been agreed to. I ask that the committee amendment as amended be agreed to.

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

Mr. UNDERWOOD. Mr. President, I have no desire to interrupt, or throw a monkey wrench into the machinery at this stage of the proceedings, but I understood we were acting only on committee amendments. The committee amendment was merely to strike out the words in reference to ammonium, but this is an amendment to insert a rate, which is entirely new matter. It is an individual amendment. I merely want to call attention to that fact. I am not going to disturb the Senator from New Jersey. He need not be alarmed.

Mr. FRELINGHUYSEN. The Senator can not disturb me, because it is not my amendment, but a committee amendment.

Mr. UNDERWOOD. The committee amendment fixed no rate. I was not in the Chamber when the amendment to the amendment was originally offered. The Senate had a right to pass on the committee amendment so far as it went, but the Chair ruled the other day that it is not in order to strike an item from a section of the bill and put it on the free list. There is no difference in principle between that and putting a different rate on an item, which is an individual matter.

Mr. LODGE. This is a committee amendment.

Mr. UNDERWOOD. I think the Senator is mistaken.

Mr. FRELINGHUYSEN. It was reported from the committee. It was a committee amendment.

Mr. UNDERWOOD. I understand the committee approved the amendment.

Mr. LODGE. They had a right to offer it.

Mr. UNDERWOOD. But it was offered by the Senator from New Jersey.

Mr. FRELINGHUYSEN. For the committee.

Mr. UNDERWOOD. I did not understand that the Senator had offered it for the committee.

Mr. LODGE. Mr. President, I am in favor of the amendment as amended. I simply want to say that I have an amendment, which I can not offer at this point because it is not a com-

mittee amendment, and which is intended simply to make the classification more definite. It is to insert, after the word "phosphate" the words "nitrogenous material manufactured from leather or tannery wastes." I merely give notice of my intention to offer an amendment to insert after the word "phosphate," if the Secretary will be kind enough to take it down, the words "nitrogenous material manufactured from leather and tannery wastes." "Ammonium phosphate" does not strictly include it, although it was believed that it was intended to do so. I shall refer the letter which I have on the subject to the committee, and ask them to consider it before it becomes in order for me to offer the amendment.

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

The amendment as amended was agreed to.

The PRESIDING OFFICER. The Secretary will state the next amendment passed over.

The ASSISTANT SECRETARY. The next items passed over were ammonium phosphate——

Mr. SIMMONS. Mr. President, I do not understand whether the Senator from North Dakota has agreed to the proposition I made in reference to the items to go over.

Mr. McCUMBER. Yes; as far as I can, I agree to it.

The ASSISTANT SECRETARY. Ammonium phosphate and ammonium sulphate are to be passed over.

Mr. LODGE. Until potash is reached.

Mr. SMOOT. There is one amendment before that which has not been acted upon—the provision in reference to perchlorate.

The PRESIDING OFFICER. The Secretary will state the amendment.

The ASSISTANT SECRETARY. On line 16, page 4, the committee proposes to strike out the word "perchlorate" and the comma, and to insert the same word "perchlorate" in the same way, without a comma after it.

The amendment was agreed to.

Mr. LODGE. Now, I understand we are going to agree to put over phosphate and sulphate until potash is reached?

Mr. SIMMONS. That is the understanding.

Mr. LODGE. Where is the item of potash found in the bill?

Mr. SMOOT. In paragraph 1635.

The PRESIDING OFFICER. The Secretary will state the next amendment.

The ASSISTANT SECRETARY. The next amendment is, on page 4, line 21, paragraph 8, after the words "Antimony: Oxide," and the comma, where the committee proposes to strike out "2 cents per pound" and insert in lieu thereof "1½ cents per pound and 25 per cent ad valorem," so as to read:

Antimony: Oxide, 1½ cents per pound and 25 per cent ad valorem.

Mr. JONES of New Mexico. Mr. President, I have been investigating this item to some extent, and I am impressed with the importance of this amendment. It is quite an increase over the present duty, and I have not found any evidence in the hearings which seems to warrant this increase.

Under the existing law the duty is 25 per cent ad valorem. Under the old Payne-Aldrich law it was 1½ cents per pound and 25 per cent ad valorem. In the bill as it came from the House the 25 per cent ad valorem rate was not made to apply to this item, but the item carried a 2 cents per pound rate and there was no ad valorem duty on it. The Senate committee recommends going back to the Payne-Aldrich rate.

I have not found anything in the hearings which seems to warrant that, except a mere request from one witness, and that witness proceeded to talk about the metallic antimony and the manufacture of that from the ore. This particular commodity is used at this time principally in the coloring of glassware. I find that this one witness, Mr. Hoguet, president of the Antimony & Compounds Co. of America, who gave his address as New Brunswick, N. J., appeared before the committee and asked that this be done. If I have interpreted his testimony correctly, he gave no reason as to why it should be done. He wanted the duty put upon the antimony metal, and it was that which he was principally discussing. He said:

I appear on behalf of this company and wish to ask for an increase in the duty as formulated by the Fordney bill on two articles. One is antimony oxide, paragraph 8 of the bill.

If you will permit me, I wish to discuss closely similar substances, though they may not all be mentioned in the bill itself.

Antimony is taken care of in paragraph 376 of the bill. May I say at this point that regulus and metal mean the same thing. They are pure metallic antimony.

If the committee please, this is an infant industry which, after years of perseverance and effort, has been unable, because of the inadequate tariff protection, to gain any foothold in the country.

The company which I represent is outfitted to produce about 1,200 tons per annum.

Senator WALSH. Of oxide?

Mr. HOGUET. Of oxide and antimony.

Under the Payne-Aldrich bill regulus or metal was taxable at the rate of 1½ cents per pound. In addition, there was a rate of 25 per cent ad valorem.

The Fordney bill proposes to reenact the rate of 1½ cents on regulus and gives 2 cents per pound on oxide of antimony.

It is respectfully submitted that these duties are not sufficient, and in order to protect the industry and to enable it to function each of these articles in question should receive the benefits of a duty of 4 cents per pound specific.

I guess I misunderstood him as making the request that the committee adopt the Payne-Aldrich rate, but he wanted 4 cents a pound. Then he proceeded to discuss the production of the metallic antimony, and I should like to inquire if there is any further testimony upon the subject. This is all I have been able to find.

Mr. FLETCHER. Mr. President——

Mr. FRELINGHUYSEN. I can not hear the Senator.

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

Mr. JONES of New Mexico. I yield to the Senator.

Mr. FLETCHER. May I ask the Senator if the 25 per cent ad valorem rate——

Mr. FRELINGHUYSEN. Mr. President, on this side of the Chamber we can not hear the discussion.

The PRESIDING OFFICER. The Senate will be in order.

Mr. FLETCHER. It is proposed to make this duty 1½ cents a pound, and 25 per cent ad valorem. What would the 1½ cents a pound amount to as an ad valorem duty?

Mr. JONES of New Mexico. There is no testimony upon that point. My information is that the price of oxide ranges from 7 to 9 cents a pound. So a 25 per cent ad valorem duty would be about 2 cents a pound, and this 1½ cents per pound would be equivalent to about 12½ per cent additional, which would make 37½ per cent per pound, or 3¾ cents per pound. That would be about the result of it so far as I have been able to ascertain.

Mr. FRELINGHUYSEN rose.

Mr. JONES of New Mexico. Does the Senator from New Jersey wish to make an inquiry?

Mr. FRELINGHUYSEN. I am willing to analyze it as far as I understand it. I asked for a duty of 1½ cents per pound on regulus or metal and then three-quarters of 1 cent per pound on needle or liquated antimony. In paragraph 376 the duty on liquated antimony is three-quarters of a cent a pound. As I understand it, there are several stages of refinement. Fusing the ore gives antimony sulphate. That is the liquated antimony. Further refining gives oxide. Now, we gave them 1½ cents per pound and, as a compensatory duty for the 1 cent duty on the liquated, a 25 per cent ad valorem protection.

I understand in my State there is an industry which has been built up—I think the Senator mentioned it—which produces about 1,200 tons of regulus and alloying metal, the oxide also being used as a basis for dye. Before the war the ore was mined in China and in England, being imported to the United States. Since the war China has no smelters, and is now shipping to the United States directly.

The American cost is 8 to 9½ cents per pound. The Chinese cost is 2.5 cents per pound. Antimony content is 25 to 30 per cent of ore. Chinese labor receives from 5 to 40 cents per day, and American labor receives from $3 to $4 per day. This industry will be lost unless a moderate rate is given. They asked 4 cents. We gave them 1½ cents plus 25 per cent ad valorem.

The whole question is whether the Refining Compound Co. in New Jersey, which takes the ore and completes the refining of it, is to be protected or not. At the present time the industry is absolutely in the control of the Chinese monopoly. China is the only country from which we can get antimony. The industry asked for 4 cents and the committee gave them 1½ cents plus 25 per cent ad valorem. I will say to the Senator from New Mexico that this is practically the same as the House rate. The House added the liquated antimony rate.

Mr. JONES of New Mexico. If I understood the Senator aright, and if he is correct, I have been laboring under a wrong impression. Do I understand the Senator to say that oxide is made from the sulphide? I do not understand that to be the case.

Mr. FRELINGHUYSEN. As I understand the process, they make the metal first and then the oxide from the metal.

Mr. JONES of New Mexico. Yes. The metallic antimony is made first, and then that is oxidized. That is my understanding of it. The other item, in the other paragraph of the bill, as I take it, does not enter into this equation at all. I think the Senator from New Jersey must be mistaken about that.

Mr. FRELINGHUYSEN. I understand that it does, and this is a compensatory rate of three-fourths of 1 cent per pound on

liquated antimony. The liquated is the raw material with the metal and the oxide and all the other antimonies.

Mr. FLETCHER. The House rate is 2 cents per pound, and that would be about 10 per cent ad valorem, whereas it is proposed here to make the rate 32½ per cent ad valorem. It seems to me there is quite a difference. The House rate is specified at 2 cents per pound, and the unit value is 5 cents and 10 per cent ad valorem, whereas the Senate committee proposes to make it 32½ per cent ad valorem.

Mr. JONES of New Mexico. In looking at paragraph 1509 of the bill I find that antimony ore is on the free list. I observe there that the words "and needle or liquated antimony, but only as to the antimony content," are stricken out. I would like to have some explanation from the Senator from New Jersey.

Mr. FRELINGHUYSEN. It is made dutiable under paragraph 376 at three-fourths of a cent per pound.

Mr. JONES of New Mexico. Then, it seems to me, if these items are related in any such way, the item now under consideration ought to go over until we can discuss the other item along with it.

I do not understand why antimony, the generic term, should be on the free list and antimony as a regulus or metal should be 2 cents per pound and needle or liquated antimony three-fourths of 1 cent per pound. I do not understand why antimony itself, the broad term, should be kept on the free list and these particular kinds of antimony brought over to this schedule and a tax placed upon them. I do not see what would be left on the free list.

Mr. FRELINGHUYSEN. I will try to explain it to the Senator.

Mr. JONES of New Mexico. I am seeking information.

Mr. FRELINGHUYSEN. I will try to explain the various processes of conversion. They begin with antimony ore. Then they get the liquated antimony, which is the ore taken out, and antimony sulphide. That is the first conversion. Only the ore is on the free list; but the first conversion, needle or liquated antimony, is dutiable at three-fourths of 1 cent per pound. The next conversion is the metal, which is a further process, and takes a compensatory duty of three-fourths of 1 cent. The needle or liquated antimony we give three-fourths of 1 cent per pound, while the other we give 1½ cents per pound and 25 per cent ad valorem.

That is the protection which the Refining Compound Co., in my State, asked. That is an explanation of the duty. The various stages or processes of conversion I have given. They can be traced down right straight through all other metals; but the process is a conversion process, and on those we seek protection.

Mr. JONES of New Mexico. Then we have developed here an entirely new proposition regarding the antimony schedule. We are confronted here with a duty upon metallic antimony, which heretofore has been on the free list. Metallic antimony is now made dutiable, and the oxides and other compounds of antimony have their duty increased because of the new duty placed upon the metallic antimony.

Mr. President, it is necessary for us to examine that question——

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

Mr. JONES of New Mexico. I gladly yield.

Mr. FRELINGHUYSEN. Antimony as a metal has not been free since 1909. There has been a 10 per cent ad valorem duty on the metal.

Mr. JONES of New Mexico. It was free under the bill as it came over from the House under section 1509.

Mr. FRELINGHUYSEN. I think not. The duty on metal was 1½ cents per pound.

Mr. JONES of New Mexico. What I am talking about is the general term "antimony."

Mr. FRELINGHUYSEN. I think the Senator is confusing it with the ore.

Mr. JONES of New Mexico. I will find out about it. The antimony ore is still on the free list.

Mr. FRELINGHUYSEN. That is correct.

Mr. JONES of New Mexico. But the metallic antimony is made dutiable under section 376, as I understand it, and the duty there, according to the pending bill, has been increased from 1½ cents per pound to 2 cents per pound.

Mr. FRELINGHUYSEN. That is right.

Mr. JONES of New Mexico. The Senator suggests that as a reason for the increase under paragraph 8 which we are now considering.

Mr. FRELINGHUYSEN. Liquated antimony was taken off the free list and made three-fourths of 1 cent per pound. That is the reason why the metal has been increased to 2 cents.

Mr. JONES of New Mexico. Is that done because there is three-fourths of 1 cent per pound put upon liquated antimony?

Mr. FRELINGHUYSEN. That is correct.

Mr. JONES of New Mexico. By reason of that, then, we increase the duty on the metal from 1½ to 2 cents per pound.

Mr. FRELINGHUYSEN. That is right.

Mr. JONES of New Mexico. And that is the cause of the other increase?

Mr. FRELINGHUYSEN. Yes.

Mr. JONES of New Mexico. So it is the duty upon the metal, the so-called liquated metal, that is the cause of the whole trouble?

Mr. FRELINGHUYSEN. That is it.

Mr. JONES of New Mexico. Mr. President, that brings up for consideration an entirely different question from the one presented by the paragraph of the bill now under consideration. The paragraph now under consideration relates to the manufacturing of antimony oxide and the duty on that is increased because this metal has had a duty put upon it which it did not have before. It was previously on the free list. The Senator from New Jersey proposes then to have a duty put upon the reduction of the ore into that particular kind of metal. That involves the history of the antimony industry not only in this country but elsewhere.

There is no ore produced in this country to any great extent. The very concern which has the capacity of 1,200 tons a year, to which the Senator from New Jersey has just referred, is, I believe, the only concern in the United States which is smelting the antimony ore and making the antimony metal.

Mr. FRELINGHUYSEN. That is quite true. The Senator from New Mexico states the fact correctly. The ore comes from China, and that is practically the only place from which it comes. This industry has been established in my State. Formerly the ore was smelted in England, as it still is; but the industry was started here during the war, and, of course, there will be opportunity under this proposed protection for other smelters to operate and smelt a certain amount of ore. The Senator is quite right that the plant in New Jersey smelts only about 1,200 tons; that is their capacity; but they ask for protection on the conversion costs, the manufacturing costs, against England and against China, whence the ore is shipped to England for smelting. It is also smelted in China. The question simply is, Shall we protect this smelting industry in this country? The ore is on the free list.

Mr. JONES of New Mexico. Mr. President, will the Senator tell us the quantity of metallic antimony which is used in this country?

Mr. FRELINGHUYSEN. This commodity is used as a metal alloy. The production of antimony metal from domestic ores and antimony metallic compounds and antimony alloy by domestic smelters was 3,898,000 pounds in 1912 and 6,000,000 pounds in 1917.

Mr. JONES of New Mexico. I will ask the Senator from New Jersey to figure out how many tons that is.

Mr. FRELINGHUYSEN. The Senator from New Mexico can figure it as well as I can, if he wishes to do so.

Mr. JONES of New Mexico. Very well. Then I will give the Senator some more figures. In the tariff survey regarding this item, on page 21, the Senator will find that the antimony imported into this country for consumption in the year 1920 amounted to 9,817 tons. The company in the Senator's State has a capacity of only 1,200 tons. It is proposed to increase the duty on this commodity to $15 a ton. I wonder if the Senator from New Jersey has ever pondered upon the proposition as to how much it is going to cost the people of the United States to enable that one concern in his State to begin the business, practically, of producing metallic antimony. That is the situation. We have the testimony of but one man, the president of that concern, and he stated in his testimony that the capacity of his plant was about 1,200 tons a year.

Mr. FRELINGHUYSEN. Mr. President, I do not want the Senator from New Mexico to proceed in error. I said that there was one of these smelting plants in my State, but I understand that there are four or five others throughout the country which operate on antimony ores alone. Of course there are other smelting concerns which operate on various kinds of ore. The Chapman Smelting Co., of San Francisco, opened up in 1917. The Antimony Smelting Refining Co. built a plant at Seattle and manufactured oxide for a time. The Western Metals Co. built an antimony smelter at Los Angeles, which now smelts Chinese ores. It has drawn a part of its supply from Colorado and Nevada and Mexico as well as ores from its own mines in California. I find there is another plant. The Mongolia Metal Co. has a plant at Matawan, N. J., purchasing ores from various sources. The Nichols-Laygn Chemical Co. operates a plant at

San Francisco, and the Antimony & Compounds Co. operates a plant at Piscataway, N. J.

It seems as if these plants are now shut down owing to the fact that they have no protection as against the Chinese and English smelters.

Mr. JONES of New Mexico. That was my understanding. During the war these other plants were built up in order to meet war conditions, and they have been shut down since that time. I do not know whether that is the history of the plant in New Jersey; I do not know when it was established, but the Senator from New Jersey, doubtless, can inform us about that. I have not seen anything upon that subject.

Mr. FRELINGHUYSEN. I do not think the New Jersey plant was a war plant. I think it was operating before or at the beginning of the war. However, I have no information with regard to that.

Mr. JONES of New Mexico. Is not this the only concern, then, that was in operation prior to the war engaged in reducing foreign ores?

Mr. FRELINGHUYSEN. I do not know. I hardly think so. In view of the quantity of ore imported, I presume some other smelters must have been smelting antimony.

Mr. JONES of New Mexico. I do not claim to have made a thorough study of the subject, but from the study which I have been able to make I think the situation is about like this: The antimony ores found in the United States are of no considerable consequence. The lead smelters of the country produce a considerable quantity of antimony as a by-product from the smelting of lead ores, but merely as a by-product. The concerns which have been built up for the purpose only of smelting antimony ores have been compelled to go to other countries for their ore and bring it to this country. I understand the Senator from New Jersey is contending that the smelter in New Jersey should be permitted to smelt the imported ore and make antimony as a primary product, although the lead smelters of the country produce antimony as a by-product. The concern in New Jersey must bring the ore from China or from Bolivia or from Mexico. Those are the only three countries of which I know where the ore can be found in any considerable quantity. The reason the ore is not smelted in Bolivia is that coal can not be imported into that country so as to build up a smelter, and so some of the ore has been coming from Bolivia to this country and is smelted here. The one great country, however, where the ore is found is China, and we must import from China either the ore or the metallic antimony.

The consumption of this commodity in the United States, I judge from all that I have read, is around 10,000 tons a year, which is obtained from China or from lead smelters producing it as a by-product. Now, it is proposed to put a duty of $15 a ton upon the 10,000 tons of metal consumed in this country. I am not trying to be exact about the figures, but that would amount to a considerable bill for the American consumers to pay.

The only person who appeared before the committee and asked that such a duty be placed upon this commodity was one man from New Jersey. He did not undertake to give his costs, except in a mere general way, but he did talk about the low labor cost in China. Not a word, however, was said as to the cost of transporting the ore as compared with the cost of the metal itself, or how much of an economic loss there would be, how much of an economic waste there would be by importing the ore rather than importing the metal.

Much has been said about production costs. The Tariff Commission obtained considerable data regarding the cost of production in China. It seems also that England prior to the war was competing with China in the smelting of this ore and the production of the metal. I do not believe that any case can be made out here that warrants this duty upon metallic antimony. Of course, if we are going back to the ore, then I think the Senator from New Jersey is quite right in saying that the duty on the oxide should be increased; but there is where the trouble comes. If we go back to the foundation of different industries and put a tariff on the raw product, then as we begin to make compounds of that product, which is the raw material, for something else, we have got to impose higher tariffs on the compounds than are imposed upon the basic product, and so on up. It is like an inverted pyramid; starting with the one item it begins to spread out and out, until it finally reaches the consumer in a very much inflated form, and the little three-fourths of a cent per pound upon metallic antimony when it reaches the consumer in the textile industry and the glass-making industry of the country in the making of war materials is expanded in those industries until the costs are beyond anything which it seems to me would be reasonable. And all of this in order to help out one concern in New Jersey which has a capacity for smelting 1,200 tons of antimony per annum, when the consumption of the country of this product is not less than 10,000 tons. In other words, to enable that concern to go ahead producing about 10 per cent of a commodity you would make the people of this country pay not only what that concern would get out of it but nine times more. It would be far better to pay the manufacturer in question three-fourths of a cent per pound for his product than to charge the people of this country ten times that amount so to enable him to smelt some antimony ore in New Jersey. It is not a question of developing a home product. The ore is not here.

Mr. FRELINGHUYSEN. Mr. President, I do not want to be unjustly attacked on this question. The question is whether this industry shall be protected; and the Senator's own party made a rate of 25 per cent ad valorem on this material in the Underwood bill. It was the intention to make it 25 per cent, but by reason of a mistake, the dropping of a comma in that bill, it was thrown in the basket clause; but the Underwood tariff bill, which the Senator has praised here as being perfect, had a duty of 25 per cent on antimony oxide; and so the charge that this duty is made to protect only this industry is false, because the Underwood bill protected the industry as a whole.

Mr. JONES of New Mexico. Mr. President, I hope the Senator will not hold me responsible for the so-called Underwood bill.

Mr. FRELINGHUYSEN. I withdraw that, then.

Mr. JONES of New Mexico. I was just stating what I thought to be the situation here. It is quite probable that in order to raise some revenue the Underwood bill did impose a duty of 25 per cent upon the importation of that commodity, and for revenue purposes I think it would be a pretty good thing. I mean by that that the amount of revenue derived in proportion to the amount of the tax on the community would be relatively large.

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

Mr. JONES of New Mexico. I shall be very glad to have the Senator do so.

Mr. FRELINGHUYSEN. Does the Senator consider 25 per cent ad valorem a revenue duty?

Mr. JONES of New Mexico. We have a good many revenue duties much higher than 25 per cent; but the bill as it comes from the House has this item—I mean the cruder material—upon the free list, and the Senator from New Jersey himself said that this was placed where it is for the specific purpose of enabling his concern to live. I am discussing this matter from the standpoint of the Senator from New Jersey. What I was going to say is that you are not developing an industry in this country. The ore is not here. It can not be made an independent industry. There must be an importation of something, and the only question is whether it shall be an importation of the smelted or metallic product, or whether it shall be an importation of the ore. That is the question; and it seems to me that it is an economic waste to talk about putting a tariff upon these metals which are made from the ore itself to enable these concerns to smelt the ore in this country, when they have to import something from somewhere anyhow.

Mr. FRELINGHUYSEN. Mr. President, I am quite sure the Senator is discussing this matter in good faith.

Mr. JONES of New Mexico. I certainly am.

Mr. FRELINGHUYSEN. There are many raw materials that we import that we convert in this country, and this is one of them. This is a smelting concern in New Jersey. The other industries throughout the country are smelting concerns also. If you put protection upon the manufactured product when the raw materials are available, is it not a sound policy to protect the industry in this country when you can get the raw materials and convert them here, rather than convert them in China or in England?

Mr. JONES of New Mexico. Mr. President, as far as this particular item is concerned, I say "No," and I will tell the Senator why. You have to import something from China. It is an economic waste to import the ore over here and have it smelted here if it can be done over in China as cheaply as it can be done here. It seems to me this is just one of the cases where this very distinguished constituent of the Senator from New Jersey ought to try to find some other business in which he can engage.

Mr. FRELINGHUYSEN. Does the Senator believe that if cloth can be manufactured in England cheaper than it can be manufactured here, it would be an economic waste to manufacture cloth here?

Mr. JONES of New Mexico. Mr. President, if the cotton were grown in England, I would say "Yes"; but it is not;

it is grown in the United States. We can build up there an industry from the field to the clothing on the individual; but you can not do it here. It is an entirely different situation.

Mr. President, I think this item ought to go over and be discussed in connection with the free-list item and paragraph 376 of the bill. They ought all to be discussed together, and if we are going to amend the free list in the way that is proposed of course these follow; but the free-list item is the trouble in this situation, and that ought to be passed on first, because the Senator from New Jersey, I think, very correctly says that the item we are now discussing is based upon the action taken regarding these other items in the bill.

Mr. FRELINGHUYSEN. Of course the committee is desirous of cleaning up these paragraphs as quickly as possible; but, if the Senator desires it, I will consent to have it go over until paragraph 376 is reached.

Mr. JONES of New Mexico. Mr. President, I think this paragraph and paragraph 376 should go over until paragraph 1509 is considered.

Mr. FRELINGHUYSEN. No; I will not consent to that. I am willing that it shall go over until we reach paragraph 376.

Mr. JONES of New Mexico. I think that would be even better than the other, because paragraph 376 is the one which determines whether that duty shall be put on the metallic product or not; so I join in the request of the Senator from New Jersey that that paragraph be deferred for consideration in connection with paragraph 376.

Mr. FRELINGHUYSEN. Does the Senator wish the whole paragraph to go over?

Mr. JONES of New Mexico. I think it all goes together. They are different compounds of the same basic material.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered. The Secretary will state the next amendment of the committee.

The next amendment was, on page 5, at the end of line 6, after the word "bitartrate," to insert "5 cents per pound"; so as to make the paragraph read:

PAR. 9. Argols, tartar, and wine lees, crude or partly refined, containing not more than 90 per cent of potassium bitartrate, 5 per cent ad valorem; containing more than 90 per cent of potassium bitartrate, 5 cents per pound; cream of tartar, Rochelle salts or potassium-sodium tartrate, 5 cents per pound; calcium tartrate, crude, 5 per cent ad valorem.

Mr. KING. Mr. President, may I inquire of the Senator whether the committee considered that that was any change from the House bill?

Mr. FRELINGHUYSEN. It is no change from the House bill, as I understand.

Mr. KING. The purpose was to clarify the meaning of the section?

Mr. FRELINGHUYSEN. Yes.

Mr. KING. I was not sure, but it seemed to me that must have been the purpose of the committee.

Mr. FRELINGHUYSEN. That was the purpose; yes.

Mr. KING. Mr. President, under the rules I can not attack that paragraph now. When we reach the free list I shall move to transfer to the free list argols, tartar, and wine lees, and the action taken by the Senate respecting that motion will determine the course to be pursued as to the other items found in paragraph 9; so I suppose we may assent to that amendment. I have no objection to it.

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

The amendment was agreed to.

The next amendment was, on page 5, after line 14, to insert:

PAR. 10a. Gums: Amber, and amberoid unmanufactured, not specially provided for, $1 per pound; arabic or senegal, one-half cent per pound.

Mr. KING. Mr. President, I should like to ask the chairman of the committee whether the object in the introduction of this new paragraph was to impose a tariff upon items not heretofore subject to tariff for the purpose of obtaining revenue, or whether it is designed to help some companies engaged in the manufacture of pipes and pipestems to develop their industry, or to strike down the competition of the whale that swims in the ocean and persists in producing amber as a part of its anatomy?

Mr. McCUMBER. I do not know exactly how much revenue we will get out of it, but it is for revenue purposes only. They are the same rates that the other would take.

Mr. KING. Was it treated of in the House bill? Was consideration given to it in the House?

Mr. McCUMBER. It was on the free list.

Mr. KING. On the free list in the House?

Mr. McCUMBER. In the House bill, and it was transferred from the free list and placed as paragraph 10a, because it belonged about that section or paragraph.

Mr. KING. Does the Senator think—and I am asking for information—that the tariff of $1 a pound is the fairest and the best as a revenue producer?

Mr. McCUMBER. I do not think we get a great deal of revenue out of it anyway, but we get some, and I think it will fairly bear that rate.

Mr. KING. Mr. President, I confess to no great familiarity with amber and amberoid, and, so far as I am now advised, it might be denominated a luxury; and, believing as I do that we must have some revenue—indeed, a considerable revenue—from tariff rates, and that so far as possible the levy should be made upon luxuries, I do not think I shall make any objection.

Mr. McCUMBER. Before we pass on the committee amendment, I would like to correct it by striking out the comma after the word "amber" on line 15.

The VICE PRESIDENT. Without objection, that correction will be made.

The amendment was agreed to.

The next amendment of the committee was, on page 5, line 18, to strike out "1 cent" and insert in lieu thereof "1¼ cents," so as to read:

Barium carbonate, precipitated, 1¼ cents per pound.

Mr. KING. Mr. President, in the Underwood law barium carbonate, precipitated, carried a 15 per cent ad valorem duty. The Payne-Aldrich Act levied a duty of 25 per cent ad valorem upon this item, as I recall, it being found in the basket clause.

In the pending bill, as it came from the House, the rate is a specific duty of 1 cent per pound, so that the Senate committee rate is a considerable increase over the specific rate found in the House text, an increase of about 25 per cent. Barium and barium compounds are important articles in the commercial and industrial activities of the people. Barium chemicals, indicated in this paragraph, are made chiefly from barytes, which is made dutiable under paragraph 64. The domestic production, it is stated by the Tariff Commission, was chiefly in Missouri, which supplied the market for ground or crude barytes. During the war there was an enormous increase. It has been stated that the production was quadrupled. The demand for barytes in the lithopone and rubber industries was enormously increased.

Now, there is a vast amount of this product produced in Georgia. Germany and England are large producers of barytes and barium chemicals, and if we encounter any competition from abroad, it will be from those countries.

I am not quite able to determine the reason for this great increase over the rate found in the Underwood law. This item is used largely by many of the chemical companies. If you regard it as a primary product, to that extent you are adding to the costs of the intermediate products or the finished products. This would entail larger costs upon the part of the chemical companies in purchasing it, which would have to be passed on to the ultimate consumer.

Mr. WILLIS. Mr. President——

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

Mr. KING. I yield.

Mr. WILLIS. Will the Senator from Utah permit me to call his attention also to the fact that if this increase in bicarbonate is made from 1 cent per pound to 1¼ cents per pound it will necessitate a considerable increase, in all fairness, in the item barium dioxide and barium peroxide, as I am advised that it takes about 1½ pounds of barium carbonate to produce 1 pound of barium peroxide? If the tariff on the raw material is increased over the rate fixed by the House, as it is here, to 25 per cent, it will necessitate, in fairness, a very considerable increase in the tariff on barium peroxide, the second item below.

Mr. KING. Undoubtedly the Senator is right. If we increase the rate on the raw material—and I am using that term rather broadly—under the policies which have been adopted in the drafting of these bills, that increase is carried to the product which is compounded from the article, or of which it forms a constituent part, and compensatory duties are demanded by the manufacturer of the intermediate or the finished product. So what the Senator has stated is true—you will have to raise the tariff rate upon the other items.

Mr. McCUMBER. Mr. President——

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

Mr. KING. I yield.

Mr. McCUMBER. I can give, in a few words, the justification for the raising of the duty by the committee.

Barium carbonate, as the Senator will remember, was almost wholly imported prior to 1914; there was very little produced in this country. The imports increased from 2,700 short tons in

1915 to 8,200 short tons in 1917, and in 1920 the production was 7,500 short tons. In 1912 the imports amounted to 950,000 pounds and increased in 1914 to 5,000,000 pounds. In the first nine months of 1921 the imports amounted to 1,973,000 pounds and the average value was 2 cents a pound.

It is claimed that the actual cost of production in the United States to-day is about 3 cents a pound; that it is being placed in our markets at 2 cents a pound, and that what would be given here, a difference of 1 cent, would be the actual difference in the cost of the landing and to equalize the cost of manufacture, and that would allow the fourth of a cent for other overhead charges and for marketing in the United States. It was thought that it about equalized the situation and would allow the continuance of the American industry.

Mr. KING. Mr. President, I do not think the explanation which has been offered by the chairman of the committee warrants this enormous increase. As I figure it hastily it is an increase of 75 per cent over the present law as based upon 1914 values. It seems to me that increase may not be justified in view of the fact that our country is so rich in barium ores. Perhaps no other country in the world has larger deposits of barium ores than the United States. If we can not manufacture the products of barium with the enormous advantages which we possess in competition with every country in the world, then, Mr. President, it seems to me there is nothing we could produce in competition with the world.

As I indicated when we were discussing another item just a few moments ago, the mere fact that the production in the United States anterior to the war was limited in my opinion is no justification for an enormous tariff rate. As I indicated, and I repeat, many articles from year to year are produced in the United States now which were not produced here in the past. As our wants increase, as our attention is directed to these new commodities and their use becomes more important capital is invested in their production. The American business man, the American manufacturer, and the man who has capital will make these investments so soon as the needs of the people require, and the mere fact that we have not produced in large abundance many of the commodities which enter into our lives is no sufficient reason for the imposition of high tariff rates, which would enable the manufacturers here to charge the people prices entirely disproportionate with world values or with the values to the American people themselves.

I think my friends on the other side emphasize too much the fact that some products have not been produced in the United States before. We are producing thousands of commodities which have not been produced in other lands, and if the same unwise, not to say foolish, policy were pursued by other countries which we persist in pursuing if we adopt all of the schedules in this bill, we would be shut out of the markets of other nations; our products would have to rot upon the wharves, in the warehouses, upon the shelves, in the granaries, and in the various depositories and receptacles in which they are placed by the producers in the United States.

Fortunately for us, other people are not frightened because they do not produce everything in their countries. We should not be frightened because we do not produce every article which enters into the consumption of the people or which is essential to the welfare of the people. The Senator from New Mexico [Mr. JONES] very properly indicated a moment ago in the discussion of the oxide question that we must have some products and some imports, and that it was absurd to import ores from China, where they were produced, for the purpose of refining them, when they could be refined there and the refined product shipped without taking up so much cargo space and, of course, so much cheaper to the consumer here.

If we adopt the theory that everything which is consumed by the people must be produced in the United States and must have a tariff applied to it, not for revenue purposes but for protection purposes, we will be adopting an economic view which will be destructive of the development of our industries, which in the end must react to the disadvantage of the American people.

I protest against this high rate, Mr. President, an increase of 75 per cent upon a product which we produce in the United States in such large quantities, in a raw state at least, the cost of reducing to the finished product being rather negligible, measured by the chemical costs and other costs, with respect to other items of a chemical nature.

Mr. WILLIS rose.

Mr. KING. Does the Senator from Ohio wish to interrupt me?

Mr. WILLIS. I do not wish to ask the Senator to yield. I desired to make some observations along the same line when he has concluded.

Mr. KING. I shall be through in a moment or two and yield the floor to the Senator.

Let me call attention to the simple process employed in the production of the article under consideration. I read now a line or two from the Tariff Survey:

> Precipitated barium carbonate is a white powder practically insoluble in water. It is used chiefly in the ceramic industry in making face brick to prevent a white efflorescence, for optical glass and some kinds of enameled ironware, in the preparation of other barium chemicals, in flat wall paints, and as a rat poison.

It is apparent that this mineral is the basis of a large number of commodities which are important in our daily life. It is important for use as a poison for rodents, important in the making of wall paints, important as an enamel for ironware, important in the manufacture of optical glasses.

I venture the assertion by way of parentheses that when we reach the glassware schedule and the subject of optical glasses is found there, if it is found in that schedule, there will be an irresistible demand made that a tariff wall be erected with respect to optical instruments, and insisted that we shall establish the optical-instrument industry here. If we want to establish that industry or other industries in which this commodity is used, it is important that we furnish the article as a sort of primary product and at as reasonable price as is possible. The cheaper it is the more easy it will be for the manufacturer of the other articles to which I have referred to manufacture in competition with domestic producers and then cheapen prices, and foreign producers, if there should be foreign competition.

The process, as I started to say a moment ago, is simple. Barium carbonate is produced by passing carbon dioxide over heated barium sulphide or by treating a solution of barium sulphide or barium chloride with soda ash.

Everybody knows that the products essential to the production of carbon dioxide are found in the United States in rich abundance. Sulphur ores, from which all forms of sulphides are obtained, are inexhaustible in all parts of the United States. We have in the West our sulphide ores, and sulphur becomes a waste product. In the reduction of the ore sulphur escapes into the atmosphere as a dioxide or as a sulphur trioxide to the extent of millions of tons per annum.

A few years ago a suit was brought in the State court of Tennessee, later in the Federal court, because the smelter, which was emitting large quantities of sulphur dioxide, it was alleged was causing the destruction of vegetation. The State court dismissed the bill. An action was brought in the Federal court and an injunction granted, because the large quantities of waste sulphur passing out in the atmosphere, coming in contact with hydrogen, H_2O in the atmosphere, formed sulphur trioxide, which when it came in contact with vegetation burned, to use a common expression, the vegetation and destroyed it. The trees for miles around, as the evidence showed, were destroyed.

We produce millions of tons of sulphur, which is liberated and goes out into the atmosphere and is a waste product, to the injury, too often, of vegetation, if not indirectly the injury of animal and human life.

In stating the uses I omitted to state what is shown in another part of the tariff survey, that crude barium, out of which the carbonate is made, results from roasting the barytes with coal, and when that is done the product is known as coal ash.

Now, Mr. President, if I were a high protectionist and seeking to surround the country by a wall which was almost impenetrable, I do not think I could justify the rates upon many of these items, the result of which inevitably must be to enhance the prices of the raw materials which are imperative in the construction or manufacture of the finished product. If we want to develop into a great producing and manufacturing Nation and to dominate the world, then we must encourage, by giving cheap primary products, the development of the manufacturing plants. If we impose these great tariff rates, thus increasing the prices of the raw materials, of these crude materials, they will be reflected upon the finished product and act as a deterrent to the development of home industries.

Mr. President, I move—and when I have made that motion I shall be glad to hear from my friend the Senator from Ohio—to amend the committee amendment found on page 5, in line 18, by striking out the numeral "1," so that it will read:

> Barium carbonate, precipitated, one-fourth of 1 cent per pound.

Mr. WILLIS. Mr. President, I desire to discuss, not directly but only indirectly, the amendment offered by the Senator from Utah. While I am not quite able to agree with the reasoning of my friend, I am able to agree in part with his conclusion that there is, it seems to me, an inconsistency, an incongruity,

between the rate that is proposed on barium carbonate and the rate provided on barium dioxide.

As I pointed out a moment ago, it takes about 1.3 pounds of carbonate to make a pound of the peroxide. If we are to increase the tariff on the raw material, by every theory of tariff making that I have ever heard anything about, there ought to be a compensatory duty on the more finished product. So if this shall be adopted as reported by the committee, when it is in order to do so I shall offer an amendment to the item relative to barium dioxide.

Mr. SMOOT. Mr. President, before the Senator does that——

Mr. WILLIS. That would not be in order now, and I do not propose to do it now.

Mr. SMOOT. I would like to call his attention to the fact that it takes 1½ pounds of barium carbonate to make 1 pound of barium dioxide.

Mr. WILLIS. One and three-tenths pounds, I am informed; but that is not material.

Mr. SMOOT. Even with the waste. I give absolutely everything that could be conceived of in making it into dioxide. With 1½ pounds, it would be one and one-half times one and one-fourth, which would be a little less than 2 cents. So the Senator sees that we are taking care of the dioxide manufacturers by a $40 per ton protection. I will say to the Senator that that is ample and there is no doubt of it at all. The House differential was all out of proportion. It is true that if the House differential had been correct, the Senator's statement would be correct, and that we would have to amend the dioxide item.

Mr. WILLIS. The Senator is proceeding in his argument on the theory that the House arrangement of the rate was incorrect?

Mr. SMOOT. The House differential was altogether too large.

Mr. WILLIS. I can not discuss that, because I am not advised as to it. The Senator knows that I have the very greatest respect for his learning and opinions.

Mr. President, while I am on my feet I desire to bring to the attention of the Senate some rather significant facts which I have been able to secure. In my State there is a little concern that manufactures barium peroxide. There is no use being mealy-mouthed about it. That is how I came to be interested in it.

Mr. McCORMICK. Peroxide?

Mr. WILLIS. Yes; I will say to the Senator; peroxide or dioxide; they are the same. That concern operated during the war, but has been closed for some time. I have taken the pains to get some figures which I think are accurate.

Using all American material, barium carbonate can be manufactured in the United States for 14.5 cents per pound. Using the German carbonate, it can be laid down here at 4.84 cents per pound. I ask permission to have inserted in the RECORD at this point a detailed table showing these facts.

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

The table is as follows:

The cost of barium peroxide manufactured in the United States from all-American material, barium carbonate at $90 per ton f. o. b. J. H. R. Products Co. plant at Willoughby, Ohio:

Using 1½ pounds of carbonate to produce 1 pound of barium peroxide	$0.06
Other materials used in process	.05
Actual labor used in process	.03½
Absolute cost without overhead per pound	.14½
German carbonate at $30 per ton, Coblenz, using:	
1½ pounds of carbonate to produce 1 pound barium peroxide	.02
Other materials used in process	.0167
Labor actually used in process	.0117
Cost without overhead in Germany	.0484

Mr. WILLIS. Bear in mind, what I called attention to was not counting overhead. The lowest at which this plant, about which I know something, located at Willoughby, Ohio, can produce it is 14.5 cents per pound. Incidentally they are giving it at even lower than the figures given by the Tariff Commission. The cost of producing barium dioxide in 1919, as shown by the investigation of the Tariff Commission, was 19.7 cents per pound. The figures I have show that this company can produce it more cheaply than that—or 14.5 cents per pound. Taking that figure, I find that there is a German company offering the product here in our market now at 12½ cents a pound, which is 2 cents below the cost of production here. There is a Dutch company offering its product at 10½ cents a pound, a French company at 10.6 cents per pound, a Danish company at 7.9 cents per pound, and another French company at 12.9 cents per pound. In other words, these foreign companies are able to offer their products here below our cost of production. Prior to the war Germany supplied all the barium dioxide, but when imports from that country ceased we started to develop in our own country a barium chemical industry. It developed rather rapidly, but it is going back just as rapidly, as is shown by all these facts.

Mr. KING. Mr. President——

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

Mr. KING. Undoubtedly the Senator from Ohio is aware of the fact that the foreign wholesale value of barium dioxide prior to the World War was approximately 5.8 cents per pound, while in the United States it was somewhat higher.

Mr. WILLIS. I was not aware of that, but I accept the Senator's statement, if he knows that to be a fact.

Mr. KING. Now the price is substantially 100 per cent greater than was the foreign value prior to the war.

Mr. WILLIS. Does the Senator refer to the price at which we can produce it here or the prices quoted in the foreign market?

Mr. KING. The price in the foreign market prior to the war was substantially 5.8 cents, or 5½ cents per pound. Now the price in the foreign market is substantially 10 cents per pound. It varies.

Mr. WILLIS. I think that would be about correct.

Mr. KING. And the American producer wants a tariff that will operate to the extent of about 100 per cent.

Mr. WILLIS. No; I think the Senator from Utah has placed that too high.

Mr. KING. It will not be less than between 75 and 100 per cent, I think. Of course, we can produce tea in the United States; we can produce in hothouses almost anything that is produced in tropical climes. If we will use enough coal and enough glass and enough sunlight and enough of other commodities, we can produce almost anything in the world here if the question of cost is not to be considered.

I merely call the attention of the Senator from Ohio to the foreign prices so that he may know he is now asking for a tariff of from 75 to 100 per cent. Of course, I know that does not frighten a Republican at all.

Mr. WILLIS. No. I think the Senator is slightly mistaken, but I will not canvass that question just now. It is not a question of what we might produce. The Senator says we might produce tea and various other articles. Of course, that is an interesting subject upon which to speculate; but it is a fact that during the war when we had no trade with Germany we did produce this needed material, a very necessary war material, and we induced our people to go into that business.

The plant in my State was built up and men invested their money in that plant, which employed a large number of workingmen who are now out of employment. We can produce this material, barium peroxide, here, as I have shown, at 14 cents a pound, while the foreign producer is laying it down in our market at 10, 11, and 12 cents a pound. I think that it is good policy to place upon that product a tariff sufficient to enable us to continue the industry in this country. So at the proper time I shall offer an amendment to the barium peroxide item.

Mr. SHEPPARD. Mr. President——

Mr. WILLIS. There is just one further fact to which I desire to call attention, and then I will yield to the Senator from Texas. We imported in 1920 of barium peroxide or dioxide 200,000 pounds; in 1921 we imported 1,005,000 pounds, or five times as much. That means the opening up of the plants in Germany and the closing of the plants in America. I believe, Mr. President, it is worth while to impose a sufficient duty upon this material to equalize the difference between 14 cents, the cost of production here, and the rates I have quoted at which this material may be laid down here by the foreign manufacturer. I now yield to the Senator from Texas.

Mr. SHEPPARD. Mr. President, I should like to inquire for what purposes is this material used in time of peace?

Mr. WILLIS. That is a very proper question. The Senator understands, of course, that this article is very useful in time of war. I will read him what is given here in the book, which he not doubt has, entitled "The Summary of Tariff Information." It is used chiefly in the production of hydrogen peroxide, which, as the Senator knows, is largely used in various manufacturing processes, and also as a bleaching agent and as source of oxygen. It was used during the war in the manufacture of tracer bullets and in various other ways. So it is a necessary industry not only in time of war but in time of peace, and we have demonstrated that we can produce it here if we have this little margin.

Mr. McCUMBER. Mr. President——

Mr. WILLIS. I yield to the Senator from North Dakota.

Mr. McCUMBER. Do I understand the Senator is discussing barium dioxide?

Mr. WILLIS. I explained when I began that I am discussing barium dioxide, and I served notice that when we get to that item I will offer an amendment. I understand that the Senate is now considering barium carbonate. I am not taking issue with the Senator's committee upon that.

Mr. McCUMBER. I understood the Senator to say the foreign cost was about 10 cents a pound.

Mr. WILLIS. It is perhaps a little beyond that.

Mr. McCUMBER. And the cost here is 14 cents a pound.

Mr. WILLIS. Yes.

Mr. McCUMBER. There is a duty in this bill of 4 cents a pound given, which exactly covers the difference, does it not?

Mr. WILLIS. We will fight that out when we come to that item. I thank the Senator, however, for the suggestion.

Mr. KING. Mr. President, I wish to call attention very briefly to the fact that the production of barium carbonate increased greatly during the war, and that it is being produced by, as I hastily glance at the Senate hearings, the Eagle-Picher Lead Co., of New York; Krebs Color & Pigment Co., of Cleveland, Ohio—I think, perhaps, that is the company to which the Senator from Ohio has referred——

Mr. WILLIS. The company to which the Senator from Ohio referred is the J. H. R. Products Co., of Willoughby, Ohio.

Mr. KING. And by the New Jersey Zinc Co. and the Grasselli Chemical Co.

Mr. SMOOT. Mr. President, the Senator is referring to the wrong names.

Mr. KING. I am speaking of barium compounds generally.

Mr. SMOOT. The companies named by the Senator manufacture lithopone.

Mr. KING. I know that the Du Ponts produce lithopone.

Mr. SMOOT. But the names the Senator has just read are concerns that produce lithopone in the United States.

Mr. KING. And lithopone is a product of barium.

Mr. SMOOT. Yes; that is true; but the Senator will find that the Alton Chemical Co., the Chicago Copper & Chemical Co., and the Consolidated Chemical Products Co. are the principal producers of the barium carbonate.

Mr. KING. The Du Pont and other great companies are largely interested in barium products.

Mr. SMOOT. That is true; but the companies whose names the Senator read are manufacturers of lithopone.

Mr. KING. I am willing that a vote be taken. I ask for the yeas and nays.

The VICE PRESIDENT. The question is on the amendment offered by the Senator from Utah to the amendment reported by the committee on which the yeas and nays are demanded.

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

Mr. JONES of New Mexico (when his name was called). I transfer my pair with the Senator from Maine [Mr. FERNALD] to the Senator from Missouri [Mr. REED] and vote "yea."

Mr. STERLING (when his name was called). I transfer my pair with the Senator from South Carolina [Mr. SMITH] to the Senator from Iowa [Mr. CUMMINS] and vote "nay."

Mr. WATSON of Indiana (when his name was called). Making the same announcement with reference to my pair and its transfer as on the previous ballot, I vote "nay."

The roll call was concluded.

Mr. SUTHERLAND. Making the same announcement as on the previous vote with reference to my pair and its transfer, I vote "nay."

Mr. McKELLAR. I have a general pair with the junior Senator from Indiana [Mr. NEW], which I transfer to the senior Senator from Tennessee [Mr. SHIELDS] and vote "yea."

Mr. SIMMONS. I wish to announce that if the Senator from Missouri [Mr. REED] were present he would vote "yea."

Mr. FRELINGHUYSEN. I transfer my general pair with the Senator from Montana [Mr. WALSH] to the junior Senator from Oregon [Mr. STANFIELD] and vote "nay."

Mr. ELKINS. I transfer my pair with the Senator from Mississippi [Mr. HARRISON] to the junior Senator from Pennsylvania [Mr. PEPPER] and vote "nay."

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

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

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

The result was announced—yeas 15, nays 41, as follows:

YEAS—15.

Caraway	Harris	McKellar	Simmons
Dial	Heflin	Myers	Swanson
Fletcher	Jones, N. Mex.	Overman	Underwood
Gerry	King	Sheppard	

NAYS—41.

Ball	Hale	McCumber	Sterling
Borah	Harreld	McKinley	Sutherland
Brandegee	Johnson	McLean	Townsend
Broussard	Jones, Wash.	McNary	Wadsworth
Bursum	Kellogg	Nelson	Warren
Calder	Kendrick	Newberry	Watson, Ind.
Curtis	Keyes	Oddie	Weller
Elkins	Ladd	Phipps	Willis
France	La Follette	Poindexter	
Frelinghuysen	Lodge	Shortridge	
Gooding	McCormick	Smoot	

NOT VOTING—40.

Ashurst	Ernst	Norris	Shields
Cameron	Fernald	Owen	Smith
Capper	Glass	Page	Spencer
Colt	Harrison	Pepper	Stanfield
Crow	Hitchcock	Pittman	Stanley
Culberson	Lenroot	Pomerene	Trammell
Cummins	Moses	Ransdell	Walsh, Mass.
Dillingham	New	Rawson	Walsh, Mont.
du Pont	Nicholson	Reed	Watson, Ga.
Edge	Norbeck	Robinson	Williams

So Mr. KING's amendment to the amendment of the committee was rejected.

Mr. KING. Mr. President, I suppose now that the question will recur on the committee amendment; and upon the adoption of that I ask for the yeas and nays.

The VICE PRESIDENT. The question is on the amendment of the committee. On that question the yeas and nays are demanded.

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

Mr. ELKINS (when his name was called). Making the same transfer as before, I vote "yea."

Mr. FRELINGHUYSEN (when his name was called). Making the same announcement as before, I vote "yea."

Mr. McKELLAR (when his name was called). Making the same announcement as to my pair and its transfer, I vote "nay."

Mr. STERLING (when his name was called). Making the same transfer as on the last roll call, I vote "yea."

Mr. SUTHERLAND (when his name was called). Making the same announcement as before with reference to my pair and its transfer, I vote "yea."

Mr. WATSON of Indiana (when his name was called). Making the same announcement as before, I vote "yea."

The roll call was concluded.

Mr. JONES of New Mexico. Making the same announcement as on the previous vote regarding my pair, I vote "nay."

Mr. CURTIS. I have been requested to announce the following pairs:

The Senator from Arizona [Mr. CAMERON] with the Senator from Georgia [Mr. WATSON];

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

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

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

The result was announced—yeas 38, nays 15, as follows:

YEAS—38.

Ball	Hale	McCumber	Sterling
Brandegee	Harreld	McLean	Sutherland
Broussard	Johnson	McNary	Townsend
Bursum	Kellogg	Nelson	Wadsworth
Calder	Kendrick	Newberry	Warren
Curtis	Keyes	Oddie	Watson, Ind.
Elkins	Ladd	Phipps	Weller
France	Lenroot	Poindexter	Willis
Frelinghuysen	Lodge	Shortridge	
Gooding	McCormick	Smoot	

NAYS—15.

Ashurst	Gerry	La Follette	Simmons
Borah	Harris	McKellar	Swanson
Dial	Jones, N. Mex.	Myers	Underwood
Fletcher	King	Sheppard	

NOT VOTING—43.

Cameron	Fernald	Norris	Shields
Capper	Glass	Overman	Smith
Caraway	Harrison	Owen	Spencer
Colt	Heflin	Page	Stanfield
Crow	Hitchcock	Pepper	Stanley
Culberson	Jones, Wash.	Pittman	Trammell
Cummins	McKinley	Pomerene	Walsh, Mass.
Dillingham	Moses	Ransdell	Walsh, Mont.
du Pont	New	Rawson	Watson, Ga.
Edge	Nicholson	Reed	Williams
Ernst	Norbeck	Robinson	

So the amendment of the committee was agreed to.

The VICE PRESIDENT. The next amendment of the committee will be stated.

The ASSISTANT SECRETARY. On line 19, page 5, after the words "barium chloride" and the comma, the committee pro-

poses to strike out "1¼" and insert "1⅛," so that it will read:

Barium chloride, 1⅛ cents per pound.

Mr. KING. Mr. President, I move to amend the committee amendment by striking out "1⅛" and inserting in lieu thereof "one-fourth" so that it will read:

Barium chloride, one-fourth of 1 cent per pound.

The PRESIDING OFFICER (Mr. FRANCE in the chair). The amendment to the amendment will be stated.

The ASSISTANT SECRETARY. On page 5, line 19, it is proposed to strike out "1⅛ cents" and insert "one-fourth of 1 cent."

Mr. KING. Mr. President, briefly in support of that motion, the pertinent facts relative to this item are these:

The House bill gives a rate of 1¼ cents a pound; the Senate bill a rate of 1⅛ cents a pound. That is to say, the Senate raises the specific rate found in the House bill one-half cent a pound. The Payne-Aldrich bill in the basket clause, paragraph 3, fixes a rate of 25 per cent ad valorem, and the Underwood-Simmons bill gives a specific rate of one-fourth of a cent per pound. The pre-war price of this product was 1.2 cents, according to the survey which was made by the Department of Commerce, as I recall it, which we find in series 82. The price in 1914, as found by that survey, was 1.2 cents. Of course, I am speaking now about the price based upon the imports, and I think my colleague will agree with me now that I state it accurately. The foreign import price was 1.2 cents, and the domestic price was 1.6 cents per pound.

I hope Senators will keep that in mind—that the pre-war domestic price was 1.6 cents per pound. The price now is 5¼ cents per pound; so Senators will see that there has been an increase of over 300 per cent, as I hastily figure it in my mind. That product is manufactured quite extensively by the Grasselli Chemical Co., one of the large chemical manufacturing companies of the United States, and it is produced by other companies, too.

Mr. President, it seems to me that the rate which has been suggested by the Senate committee is too high. It is unwarranted. It is not justified upon any theory of protection, but it must be defended upon the thought that a monopoly is to be granted to the beneficiary of this provision. I should make no controversy at all if a reasonable rate were provided in this bill; but when you provide a rate that will permit between 300 and 400 per cent increase over the pre-war domestic prices, to say nothing of the pre-war foreign price, then I most respectfully raise my voice in protest against the procedure.

Mr. President, I said a moment ago with respect to barium that it is a product in which the United States is supreme. By that I mean that barium ore is a product which is found in various parts of the United States. It is not a synthetic product. The barium ores which are the basis of the products which are found in this schedule exist here in great abundance. The ore is mined cheaply; it is produced cheaply; it is reduced cheaply; the processes which are needed to transmute or transform the raw material into the various forms of the finished product are simple, not complex, not complicated, not difficult, or costly.

I appeal to my friends on the other side in no critical spirit, knowing that most of them are wedded to protectionism, and protectionism of rather an extreme sort, not to carry their views too far, and not to announce to the manufacturing interests and the trusts and the combines in the United States who are the beneficiaries of tariff rates that all they need to do is to knock at the door of Congress and they will be admitted gladly and willingly.

I am afraid, Mr. President, that too many of the manufacturing institutions, and those who have sought these high rates, have felt that they were not only welcomed but that they were controlling factors in the formulation of some of these tariff schedules.

Let me briefly call attention to the simple process by which this item, of which we are now speaking, may be prepared. First, let me state that it is employed not only as a mordant in manufacturing, in the textile processes, but it is employed in the purification of salt, as a water softener, as an analytical reagent in sulphur determinations, and to some extent in the ceramic industry. There is scarcely a household which does not use some form of this product for the softening of lime water, of hard water, which we know is so common in many parts of the United States.

In the mountain regions, from which I come, lime is one of the principal constituents of the soil, and the water which flows down from the mountain sides through the valleys and gorges is impregnated with the lime, and holds large quantities in solution. We are compelled to use this or some similar product for the softening of the water. It is used not only in the bathroom, but it is used by the housewives, and it is used by the laundries for the same purposes.

It is produced in a very simple manner, by treating the barium carbonate with hydrochloric acid, or by heating barium sulphide with calcium sulphide. We all know the prodigality with which nature has blessed us with sulphide ores. Everywhere we have sulphur, sulphur with our copper ore, sulphur which goes to waste by the thousands and tens of thousands of tons annually in our metallurgical and reduction-of-ore processes. There is not a smelter in the United States which smelts sulphide ores—I am not speaking now particularly of carbonate ores—which does not pour out into the atmosphere daily hundreds of tons of sulphur as a waste product. So we have sulphur here in abundance, and cheap. It is so cheap that it is thrown away. The same is true as to sulphuric acid, which is the product, or can be made the product, of our smelters. So that this product can be made in the United States cheaply, because all of its constituent parts are here in inexhaustible quantities, and can be mined and reduced here more cheaply than perhaps in any other place in the world.

I conclude that there are imports and that the imports for nine months of last year amounted to 2,798,700 pounds. If the argument is to be made, and is to be controlling, that wherever there are any imports there must be an exclusive tariff, I can say nothing. If that is the policy to be pursued, then, of course, that is equivalent to the announcement that we shall turn over the American public to be plundered by the manufacturing and industrial concerns of the United States.

Our Republican friends in the past have found some justification, from their standpoint, for the rates which have been included in many of their bills. They have urged the fact that the industries were infant industries. They have urged the difference of cost between the United States and other countries. They have urged the fact that they wanted to give a reasonable profit to the manufacturer here, and in determining the reasonable profit that there should be taken into account the cost of production here, including the cost of labor, and the cost of production abroad, including the price of labor abroad, and many fanciful figures have been submitted, and many illogical and sophistical arguments and many inaccurate statements have been made and suggested to buttress the bills which have been offered by our Republican friends in the past.

But now those arguments, which have been so weighty with so many Republicans and with the American people in the past, are abandoned. Now the theory seems to be that if anything is imported from abroad, even if the amount is infinitesimal, we must impose a tariff duty. So we find in this bill many, many items, the importations of which are less than 1 per cent, where high tariff rates are imposed.

It is found in the report made by the Department of Commerce for 1914 that there were more than 4,000 items the imports of which did not exceed in any case more than 1 per cent, and we find that the tariff rates upon many of those articles are two, three, four, five, and six hundred per cent. Not only were the imports less than 1 per cent, but they were less than $100. Notwithstanding that fact, however—and I wish the American people could understand it—our Republican friends are putting many of those items upon the dutiable list and fixing specific duties, which raise the rates to one, two, three, or four hundred per cent and more, with imports of less than $100.

How do Senators justify that? They can not do it. It can not be justified in reason, in logic, in common sense, or upon any theory of political economy which obtains among civilized people. You have the power; the trusts want it; the big manufacturing concerns demand it; and the Republican Party is going to do just as they are told by these concerns. Think of granting these enormous tariff rates where the importations are less than 1 per cent, less than $100 per item.

Mr. President, the Republicans can not defend their conduct here, and do not attempt to; and they can not defend their conduct before the American people. We will challenge them upon all appropriate occasions and call attention to these infamous schedules and to these rates, which may not be defended here or in any forum.

I ask for the yeas and nays.

Mr. McCUMBER. Mr. President, all of these barium products are war babies. Everything in this paragraph was imported prior to the war. During the war these infant industries came into existence. The only question now is whether we shall allow them to be strangled or whether we shall give them this support and allow them to live.

It is a simple question of policy. If we wish to go back to the old conditions, importing all these products and allow our own industries to be destroyed, of course we can do so. We who believe in the protective policy can not agree that this is an infamous policy. We have already by a vote put barium carbonate on the protective list at 1¼ cents a pound. All of these articles are made from barytes ore. The barytes ore is produced in foreign countries very much more cheaply and of a better grade than we can produce it here.

The Senator from Utah declared several times that we could produce these commodities more cheaply than they could be produced in any other country. We created the Tariff Commission for the very purpose of giving us the necessary information, from an unbiased standpoint, upon which we could base our judgment in arriving at a conclusion, first, as to whether we ought to place a duty upon a product, and secondly, if we placed a duty, what that duty should be.

Let us see whether or not we can produce either the ore itself or any product from it in the United States as cheaply as the foreigner can produce it. I read from page 28 of the Tariff Information Surveys of 1921, in which the Tariff Commission, speaking of byrites ore, say:

> The German deposits are of vein formation and require only drilling and blasting to make the ore available for shipment. The known domestic deposits, on the other hand, are of such a character that the ore-bearing material, after mining, requires washing and mechanical separation from foreign rock material—a process which involves additional equipment—before the ore is ready to be marketed as crude barytes. Prior to the war the freight rate from German mines to Atlantic ports was about $3 per ton as compared with the freight rate from Georgia and Tennessee to the eastern markets of about $4.45 a ton. In view of the difference in mining methods and the difference in freight rates, it would appear that competition would be difficult under normal conditions.

That is the finding of the Tariff Commission. As I have stated, we have given 1¼ cents per pound upon the carbonate. Barium chloride is made from the carbonate, and, taking the amount that is required, it is found that it will be necessary to give 1¾ cents per pound upon the barium chloride. I think it proper to suggest the figures as to the importations and a few facts relating to barium chloride.

This barium chloride is made, as I have stated, from barium carbonate. The cost of production in the United States in 1919 was 5 cents per pound. The average import price for 1920 and for the first nine months of 1921 was 5 cents per pound. The present quotations are 4 cents per pound.

The imports prior to 1914 were practically constant at about 2,800,000 pounds per year, increasing in 1914 to 6,000,000 pounds.

The imports during the first nine months of 1921 amounted to 2,800,000 pounds. Prior to the war barium chloride was practically all imported from Germany, but after a domestic industry was established the production increased from 2,100 tons in 1915 to 4,900 tons in 1917. But 4,500 tons were made in 1918 and 1919. In 1920 the output declined to 3,000 tons.

Now, about 50 per cent of the domestic consumption is produced in our own country and about 50 per cent is imported. If we are to keep the carbonate upon the present basis, of course we must give the differential or else the same product will come in, not in the carbonate but in the chloride form. I repeat, it is simply a question whether or not the policy of the country is to continue the manufacture of that product in the United States.

The PRESIDING OFFICER. The question is upon the amendment offered by the Senator from Utah [Mr. KING] to the amendment of the committee.

Mr. KING. Mr. President, I desire to modify my amendment by striking out the rate fixed and inserting in lieu thereof "three-fourths of 1 cent," so that it will read: "Three-fourths of 1 cent per pound."

The PRESIDING OFFICER. The proposed amendment to the amendment will be stated, as modified.

The ASSISTANT SECRETARY. On page 5, line 19, strike out "1¾ cents" and insert in lieu thereof "three-fourths of 1 cent," so that it will read:

> Barium chloride, three-fourths of 1 cent per pound.

Mr. KING. Mr. President, may I add just a word? The principal manufacturers of these barium chemicals in the United States are the E. I. du Pont de Nemours & Co., Durex Chemical Corporation, Consolidated Chemical Products Co., J. H. R. Products Co., Alton Chemical Corporation, and the Oakland Chemical Corporation.

I ask for the yeas and nays on my amendment to the amendment.

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

Mr. McKELLAR (when his name was called). Making the same announcement as to my pair and its transfer as heretofore, I vote "yea."

Mr. SUTHERLAND (when his name was called). Making the same announcement as before with reference to my pair and its transfer, I vote "nay."

Mr. WARREN (when his name was called). Has the junior Senator from North Carolina [Mr. OVERMAN] voted?

The PRESIDING OFFICER. That Senator has not voted.

Mr. WARREN. I have a general pair with that Senator, which I transfer to the Senator from Vermont [Mr. PAGE], and vote "nay."

Mr. WATSON of Indiana (when his name was called). Making the same announcement as before with reference to my pair and its transfer, I vote "nay."

The roll call was concluded.

Mr. LODGE (after having voted in the negative). I have a general pair with the senior Senator from Alabama [Mr. UNDERWOOD]. I do not see him on the floor. I transfer that pair to the junior Senator from Delaware [Mr. DU PONT] and let my vote stand.

Mr. KELLOGG (after having voted in the negative). I have a general pair with the senior Senator from North Carolina [Mr. SIMMONS]. I transfer that pair to the senior Senator from Iowa [Mr. CUMMINS] and let my vote stand.

Mr. FRELINGHUYSEN. Making the same announcement as before as to my pair and its transfer, I vote "nay."

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

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

The Senator from Arizona [Mr. CAMERON] with the Senator from Georgia [Mr. WATSON];

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

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

The Senator from South Dakota [Mr. STERLING] with the Senator from South Carolina [Mr. SMITH].

The result was announced—yeas 13, nays 36, as follows:

YEAS—13.

Ashurst	Harris	La Follette	Walsh, Mass.
Caraway	Harrison	McKellar	
Dial	Jones, N. Mex.	Myers	
Fletcher	King	Sheppard	

NAYS—36.

Ball	Frelinghuysen	McCormick	Rawson
Brandegee	Gooding	McCumber	Shortridge
Broussard	Harreld	McKinley	Sutherland
Bursum	Johnson	McLean	Townsend
Calder	Kellogg	McNary	Wadsworth
Capper	Kendrick	Nelson	Warren
Curtis	Keyes	Oddie	Watson, Ind.
Elkins	Lenroot	Phipps	Weller
France	Lodge	Poindexter	Willis

NOT VOTING—47.

Borah	Glass	Overman	Smoot
Cameron	Hale	Owen	Spencer
Colt	Heflin	Page	Stanfield
Crow	Hitchcock	Pepper	Stanley
Culberson	Jones, Wash.	Pittman	Sterling
Cummins	Ladd	Pomerene	Swanson
Dillingham	Moses	Ransdell	Trammell
du Pont	New	Reed	Underwood
Edge	Newberry	Robinson	Walsh, Mont.
Ernst	Nicholson	Shields	Watson, Ga.
Fernald	Norbeck	Simmons	Williams
Gerry	Norris	Smith	

So Mr. KING's amendment to the committee amendment was rejected.

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

The amendment was agreed to.

The PRESIDING OFFICER. The next amendment of the Committee on Finance will be stated.

The ASSISTANT SECRETARY. On page 5, line 20, after the words "per pound" and the semicolon, near the center of the line, insert "barium hydroxide, 1¾ cents per pound."

Mr. KING. Mr. President——

Mr. McCUMBER rose.

Mr. KING. Does the Senator desire to take the floor?

Mr. McCUMBER. I did not know but that the Senator desired some explanation of the next item.

Mr. KING. I was about to offer an amendment to strike out——

Mr. McCUMBER. Before the Senator offers his amendment, may I make a very brief statement?

Mr. KING. I shall be glad to hear the Senator.

Mr. McCUMBER. Barium hydroxide, we are informed, is a product of very little use, so little that it is not quoted at all

on the market. It does not come in at all under any quotation, and if it does come in it comes under the basket clause.

Mr. KING. It was under the basket clause in the Underwood law and the Payne-Aldrich law?

Mr. McCUMBER. Yes; it would come in under the basket clause. It has very little use. We are informed, however, that it costs to produce just about what the barium chloride costs and, therefore, that it should bear the same rate of duty. We are informed by the chemists of the Tariff Commission that this is correct. I think the whole thing is scarcely a matter of calling for a yea-and-nay vote. It is very unimportant.

Mr. KING. Mr. President, I shall occupy but a moment discussing this item. The Senator is correct in stating that barium hydroxide has not specifically been named in the tariff laws heretofore enacted, but it has been classified in various groups and assigned to what have been called the basket clauses.

In the Underwood law it bore a rate of 15 per cent ad valorem. In the Payne-Aldrich law the rate was 25 per cent. The House in the pending bill did not name it, and it would fall, therefore, in one of the basket clauses of the House bill, and that clause to which it would properly be assigned would bear the ad valorem rate of 25 per cent. The Senate Finance Committee have taken it from the basket clause, as they have done in so many other instances, and given it a specific rate which, of course, as I have heretofore stated with respect to so many items, amounts to an enormous increase over the basket ad valorem rate. So far as I can discover, there are no imports of this product, nor are there any exports. While the item is of some importance, its consumption is limited. The tariff survey shows that it has but little commercial value, but during the period of high prices for caustic potash this product, barium hydroxide, was used to convert sulphate of potash into caustic potash. It is used to some extent in Europe in the production of beet sugar. I presume it is used in the beet-sugar factories in the process of extracting the saccharine from the beet pulp.

Mr. President, the pre-war unit value—that is, the foreign value—was 1½ cents a pound; the present price is 7 cents a pound; so that the price, as will be seen, has been enormously raised, from 1½ cents a pound to 7 cents a pound, 300 or 400, yes, perhaps 500 per cent over pre-war prices. The question is, Shall we perpetuate these prices, for that will be the effect of the adoption of the committee amendment? Perhaps the article ought to be on the free list, or, at most, the rate ought not to exceed one-fourth of 1 cent per pound; but on page 5, line 20, in the committee amendment, I move to strike out "1¾ cents" and to insert "three-fourths of 1 cent" so as to read:

Barium hydroxide, three-fourths of 1 cent per pound.

I ask for the yeas and nays on my amendment to the committee amendment.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Utah [Mr. KING] to the amendment reported by the Committee on Finance, upon which he asks for the yeas and nays.

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

Mr. FRELINGHUYSEN (when his name was called). Making the same announcement as to my pair and its transfer as on previous votes, I vote "nay."

Mr. JONES of New Mexico. Making the same announcement as heretofore regarding my pair and its transfer, I vote "yea."

Mr. KELLOGG (when his name was called). Making the same announcement as before with reference to the transfer of my pair, I vote "nay."

Mr. McKELLAR (when his name was called). Making the same announcement as to my pair and its transfer as heretofore, I vote "yea."

Mr. SUTHERLAND (when his name was called). I transfer my general pair with the senior Senator from Arkansas [Mr. ROBINSON] to the junior Senator from Pennsylvania [Mr. PEPPER] and vote "nay."

Mr. WATSON of Indiana (when his name was called). Making the same announcement as heretofore with reference to my pair and its transfer, I vote "nay."

The roll call was concluded.

Mr. LODGE (after having voted in the negative). I desire to make the same announcement regarding the transfer of my pair with the Senator from Alabama [Mr. UNDERWOOD] to the Senator from Delaware [Mr. DU PONT] that I have made heretofore, and with that announcement I allow my vote to stand.

Mr. McKINLEY (after having voted in the negative). I have a general pair with the junior Senator from Arkansas [Mr. CARAWAY], who seems to be absent. I transfer that pair to the Senator from Colorado [Mr. NICHOLSON] and allow my vote to stand.

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

The Senator from Arizona [Mr. CAMERON] with the Senator from Georgia [Mr. WATSON];

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

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

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

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

The Senator from South Dakota [Mr. STERLING] with the Senator from South Carolina [Mr. SMITH].

The result was announced—yeas 12, nays 40, as follows:

YEAS—12.

Ashurst	Harris	King	Myers
Dial	Harrison	La Follette	Sheppard
Fletcher	Jones, N. Mex.	McKellar	Walsh, Mass.

NAYS—40.

Ball	Gooding	McCumber	Shortridge
Brandegee	Hale	McKinley	Smoot
Broussard	Harreld	McLean	Spencer
Bursum	Johnson	McNary	Sutherland
Calder	Kellogg	Newberry	Townsend
Capper	Kendrick	Norbeck	Wadsworth
Curtis	Keyes	Oddie	Warren
Elkins	Lenroot	Phipps	Watson, Ind.
France	Lodge	Poindexter	Weller
Frelinghuysen	McCormick	Rawson	Willis

NOT VOTING—44.

Borah	Fernald	Norris	Simmons
Cameron	Gerry	Overman	Smith
Caraway	Glass	Owen	Stanfield
Colt	Heflin	Page	Stanley
Crow	Hitchcock	Pepper	Sterling
Culberson	Jones, Wash.	Pittman	Swanson
Cummins	Ladd	Pomerene	Trammell
Dillingham	Moses	Ransdell	Underwood
du Pont	Nelson	Reed	Walsh, Mont.
Edge	New	Robinson	Watson, Ga.
Ernst	Nicholson	Shields	Williams

So Mr. KING's amendment to the amendment of the committee was rejected.

The PRESIDING OFFICER. The question now is on agreeing to the amendment reported by the committee.

The amendment was agreed to.

The next amendment was, on page 5, line 21, after the word "nitrate," to strike out "2" and insert "2½," so as to read:

Barium nitrate, 2½ cents per pound.

Mr. KING. Mr. President, I move to amend the amendment reported by the committee by striking out the numerals "2½" and inserting in lieu thereof "1½." I am going to be so generous in this motion that the amendment ought to satisfy everybody on the other side.

Mr. President, just a word in regard to barium nitrate. Let me call attention to the fact that the price on April 24 of this year was from 6½ to 7 cents per pound. The pre-war import price—that is, the unit value—was 3 cents per pound. The Payne-Aldrich bill placed this item in a basket clause, with a rate of 25 per cent ad valorem. The Senate bill, as stated, imposes a specific duty of 2½ cents per pound, so that the increase above the Payne-Aldrich bill is enormous and probably amounts to between 100 and 200 per cent, as I hastily figure it as I am speaking. The very heavy duty carried by the Payne-Aldrich bill is not deemed adequate, but it must be increased now from 100 to 200 per cent. The House bill gave a specific rate of 2 cents per pound, but the Senate committee, notwithstanding the enormous increase above the Payne-Aldrich Act and the Underwood-Simmons law, have increased the duty, as indicated, from 2 to 2½ cents under a specific rate.

In the Underwood law this item is found in paragraph 3 of the basket clause and carries an ad valorem rate of 15 per cent. The article is used in explosives and railroad signals and for other purposes. I have referred heretofore to barium and its products. This commodity is made by the Du Pont trust and by some of the other large chemical companies of the United States. Of course, it is important that they be cared for and that the rates be fixed as desired by the trust. So I presume, Mr. President, that my amendment will not prevail; but I offer it and ask for a vote.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Utah [Mr. KING] to the amendment reported by the committee.

Mr. McCUMBER. Mr. President, I think I ought to make a very brief statement.

Barium nitrate is an important compound, imported in large quantities before the war, and now being made in the United

States. The imports in 1914 were over 1,000,000 pounds. In 1915 the United States produced 971 tons. In 1919 the United States produced 784 tons, which was equivalent to about 1,500,000 pounds. In 1914, as stated, the importations were about 1,000,000 pounds. We undoubtedly could very easily go back now to the importations wholly from a foreign country. This again, I repeat, is one of the war babies, and the only question is whether its life is worth the milk in the bottle, and we are offering it here to protect its life. We believe that it is better to keep the industry in the United States; and because of the increase which we have made in the rate on barytes ore, on barium carbonate, from which it is made, it will require a one-half cent higher duty per pound than is given in the House bill.

Mr. KING. Mr. President, just one word.

The Senator from North Dakota seems solicitous for milk for the babies which he seems to have taken under his wing. I am afraid that the babies are so large, however, that they will deny their paternity and claim to be, like the Cæsars of old, immortal in origin and eternal in duration. The du Pont trust, with its enormous capital, and other chemical concerns the aggregate value of the capital of which is more than $1,000,000,000, can not be called babies—war babies or pre-war babies or any other kind of babies. They are colossal giants, and their earnings are stupendous, as the Senator knows.

Mr. President, the only possible business or industrial competitor of the United States in normal times would be Germany, and, of course, I am referring to a pre-war Germany. I have indicated that barium is produced in the United States; that it is a metal which is found in large quantities in the United States. I know what the Tariff Commission has stated here with respect to the large deposits in Germany. There are large deposits of barium in the United States which can be mined as cheaply as the deposits anywhere can be mined. In the reduction of the barium ore for the production of these barium compounds large quantities of coal are required, metallurgical processes which require heat are important; and we, with our enormous coal deposits and with our facilities for the production of coal and for the manufacture of chemicals, in my opinion, can produce this article cheaper than Germany can produce it.

I called attention yesterday to the fact of the enormous increase in the wages in Germany, to the increase in freight rates in Germany, and to the remarkable change which has occurred in the last few weeks in prices. I have here a large number of reports and figures, which I shall not take the time to call to the attention of the Senate to-night, but upon some appropriate occasion I shall refer to the changes which have occurred in the manufacturing processes and in the industrial activity of Germany since the time the Reynolds report was prepared in 1921. Indeed, radical changes are taking place every day—40 per cent increase in wages on the first of January of this year is but an illustration of the transitory or mutable situation thus found. But I am not going to discuss that situation now.

I call attention to the fact that the item under consideration is a product which can be manufactured in the United States, and that we have practically everything that forms a constituent part of barium nitrate. In view of that fact I can perceive no necessity for this enormous duty.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Utah [Mr. KING] to the amendment of the committee.

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

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

Mr. FRELINGHUYSEN (when his name was called). Making the same announcement as before, I vote "nay."

Mr. KELLOGG (when his name was called). Making the same announcement as before, I vote "nay."

Mr. WARREN (when his name was called). I transfer my standing pair with the Senator from North Carolina [Mr. OVERMAN] to the Senator from New Hampshire [Mr. MOSES], and will vote. I vote "nay."

Mr. WATSON of Indiana (when his name was called). Making the same announcement as before, I vote "nay."

The roll call was concluded.

Mr. LODGE (after having voted in the negative). I omitted to repeat the transfer of my pair with the Senator from Alabama [Mr. UNDERWOOD] to the Senator from Delaware [Mr. DU PONT]. I now do so, and will let my vote stand.

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

Mr. McKELLAR. Making the same announcement as heretofore as to my pair and its transfer, I vote "yea."

Mr. JONES of New Mexico (after having voted in the affirmative). I had made no announcement of my pair. I make the same announcement as on the previous roll call, and will allow my vote to stand.

The result was announced—yeas 13, nays 39, as follows:

YEAS—13.

Ashurst	Harris	La Follette	Walsh, Mass.
Caraway	Harrison	McKellar	
Dial	Jones, N. Mex.	Myers	
Fletcher	King	Sheppard	

NAYS—39.

Ball	Gooding	McKinley	Smoot
Brandegee	Hale	McLean	Spencer
Broussard	Harreld	McNary	Sutherland
Bursum	Johnson	Newberry	Townsend
Calder	Kellogg	Nicholson	Wadsworth
Capper	Keyes	Norbeck	Warren
Curtis	Lenroot	Oddie	Watson, Ind.
Elkins	Lodge	Page	Weller
France	McCormick	Phipps	Willis
Frelinghuysen	McCumber	Shortridge	

NOT VOTING—44.

Borah	Gerry	Overman	Simmons
Cameron	Glass	Owen	Smith
Colt	Heflin	Pepper	Stanfield
Crow	Hitchcock	Pittman	Stanley
Culberson	Jones, Wash.	Poindexter	Sterling
Cummins	Kendrick	Pomerene	Swanson
Dillingham	Ladd	Ransdell	Trammell
du Pont	Moses	Rawson	Underwood
Edge	Nelson	Reed	Walsh, Mont.
Ernst	New	Robinson	Watson, Ga.
Fernald	Norris	Shields	Williams

So Mr. KING's amendment to the amendment of the committee was rejected.

The PRESIDING OFFICER. The question now is upon the committee amendment.

The amendment of the committee was agreed to.

The PRESIDING OFFICER. The Secretary will state the next amendment of the committee.

The next amendment was, on page 5, line 22, after the word "powders," to insert "liquids," so as to read:

PAR. 12. Blackings, powders, liquids, and creams for cleaning or polishing, not specially provided for, 25 per cent ad valorem.

Mr. KING. Mr. President, for information, may I inquire of the Senator whether he construes the paragraph without the word "liquids" as sufficiently comprehensive to embrace liquids within its terms?

Mr. McCUMBER. The word "liquids" was inserted there to make it absolutely certain that the paragraph would include liquids; that is all. It might have included them without the word. We have blackings, powders, and liquids. Of course, the blackings might be liquid blackings; but the committee thought it was better to be safe and include the word "liquids," so that it would not be construed in any way as embracing only the powders.

Mr. KING. Does the Senator think that it was included within the brackets or basket clauses of either the Payne-Aldrich law, the Underwood law, or the House bill?

Mr. McCUMBER. No; I think it probably would fall under paragraph 12, under the head of "blackings," even though it was a liquid; but I wanted to make certain.

Mr. KING. I am inclined to think the Senator is right, and for that reason I do not intend devoting any time to the consideration of the amendment. If upon further consideration of the subject the Senator and the experts should reach a different conclusion, I shall be glad if they will advise the Senate, and in that event it might be that either the Senator or somebody on this side of the Chamber would desire to have a vote upon that item.

The PRESIDING OFFICER. The question is upon agreeing to the committee amendment.

The amendment was agreed to.

The next amendment was, on page 6, line 3, after the word "lime," to strike out "three-fifths" and to insert "one-fifth," so as to make the paragraph read:

PAR. 13. Bleaching powder or chlorinated lime, one-fifth of 1 cent per pound.

Mr. WADSWORTH. Mr. President, this committee amendment is apt to give rise to considerable discussion, I think. It is one with which I can not agree myself, and I think others feel the same way. I was going to ask the chairman of the committee if he insists on taking it up this evening.

Mr. KING. May I appeal to the Senator from New York? It would be very gratifying to me if it could be taken up and could receive considerable discussion at the hands of others this evening.

Mr. WADSWORTH. I have no doubt the Senator feels that way, and it was my knowledge of his desires in that regard which led me to ask the Senator from North Dakota to let the paragraph go over.

Mr. KING. Then it is clear that the Senator from New York does not desire to accede to my wishes in the matter.

Mr. WADSWORTH. I would like to have the item go over until I can discuss it at greater length with some of the members of the committee.

Mr. KING. I think the Senator ought to discuss it with us, so that we may be advised.

Mr. WADSWORTH. When it does come up I shall do so.

Mr. McCUMBER. I have no objection to its being passed for the time being, if the Senator desires.

Mr. WADSWORTH. That is all I ask, that it be passed over temporarily.

The PRESIDING OFFICER. The amendment will be passed over.

The next amendment was, on page 6, line 16, before the words "per centum," to strike out "30" and insert "45," so as to make the paragraph read:

PAR. 16. Calomel, corrosive sublimate, and other mercurial preparations, 45 per cent ad valorem.

Mr. JONES of New Mexico. Mr. President, this is a very important item, and it should be discussed in connection with another paragraph of the bill, that relating to quicksilver. That is the basic commodity, and I believe the chairman of the committee will recognize the propriety of having this passed over until we reach that paragraph of the bill. The duty on quicksilver, the basic material, is very materially increased by the committee amendments, but not so much, however, as by the provision of the bill as it comes from the House, and as, according to the testimony, that constitutes 90 per cent of the manufactured commodity, I suggest that it go over until we reach that paragraph in the bill, which I believe is paragraph 383.

Mr. McCUMBER. Mr. President, of course the increased duty that is given upon calomel is dependent to some extent upon the quicksilver; I agree with that. But why not go right to quicksilver, if the Senator desires it, discuss it, and then come back to calomel?

Mr. JONES of New Mexico. I will state that at least one other Senator makes the request that it go over until quicksilver can be reached. He is not ready to discuss the matter to-night.

Mr. McCUMBER. Of course, it is as broad as it is long, either to put this over until we reach the quicksilver item, or take the quicksilver item up now, settle that, and then go right back to this.

Mr. JONES of New Mexico. Yes; that is true.

Mr. McCUMBER. We would arrive at the same result.

Mr. JONES of New Mexico. But it will be more convenient, I may say to the Senator, to let it be passed over until we reach quicksilver. I make that suggestion at the request of another Senator.

Mr. McCUMBER. It will be a long time before we get to the quicksilver item and as there are quite a number of these items. I dislike to pass too many of them over until we reach some other matter which may or may not be placed upon the free list. So, if the Senator would just as soon, I would like to take up the question of quicksilver now and dispose of it.

Mr. JONES of New Mexico. There is an amendment, and, of course, the matter can be again discussed when we come to consider the bill as amended; and if the Senator insists upon it, of course, we will proceed with the discussion.

Mr. McCUMBER. I will say this, if it is satisfactory: Suppose we pass it over temporarily, at least, and then we will see when we can bring it up.

The PRESIDING OFFICER. If there is no objection, the amendment will be passed over temporarily.

Mr. TOWNSEND. Mr. President, I offer certain amendments to the bill which I ask to have printed and lie on the table.

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

The next amendment was, on page 6, line 18, before the word "cents," to strike out "8" and insert "6"; and in line 19, before the words "per centum," to strike out "25" and insert "50"; so as to make the paragraph read:

Paragraph 17. Carbon tetrachloride, 2½ cents per pound; chloroform, 6 cents per pound; tetrachloroethane and trichloroethylene, 50 per cent ad valorem.

Mr. KING. I would like to ask the chairman of the committee to give some explanation as to the reason for fixing "6" as the specific rate on this item. As the Senator perceives, it relates to chloroform, a commodity of very great importance to the people. I understand the price has increased considerably over pre-war prices.

Mr. McCUMBER. The 6 cents per pound rate is equivalent to an ad valorem rate of between 15 and 20 per cent, which is a very low ad valorem rate. The pre-war price was 15 cents a pound, based on the foreign unit value.

Mr. KING. Mr. President, this product is made by the Albany Chemical Co.; the Dow Chemical Co., one of the large chemical concerns of the United States; the Mallinckrodt Chemical Works, of St. Louis, Mo.; the Powers, Weightman & Rosengarten Co., of Philadelphia; and the E. I. Squibbs Co., of New York, as well as other companies. None of these organizations or corporations is a little concern. None of them is a war baby. None of them needs the fostering hand of the Government to aid it in the establishment of an industry.

Senators know that there are many commodities which grow out of the production of other commodities to which they may be related in a crude fashion, or between which there is rather a tenuous relation. Many of these big chemical concerns and drug manufacturers are so equipped as that they produce not one but a multitude of articles and commodities and products, and, to use the common language, they dovetail in such a manner as to make great economies in the production, and quantity production can be cheaply effectuated.

I concede that there are many commodities which, standing alone, not related to other commodities made by the same corporation, might not be able to be produced at the same cheap price or at the same level of prices, as the same commodity when it is made by concerns which are engaged in the production of various products. So we find that chloroform is made by a number of corporations which are engaged in the production of various medicines, medicinal products, and chemical products.

Powers, Weightman & Rosengarten manufacture a very large number of chemical products, chloroform being among the list. Why chloroform should bear any duty will be, it seems to me, somewhat difficult to explain. If it is to have a duty, then it should be reduced to the lowest possible level, because of the importance of chloroform in the medical world. It is so important for the people. If there is anything which should be cheap it is those medicines which are so indispensable for the people.

Let me read a word or two as to the character of this product. I read from the Tariff Surveys. After describing its physical qualities, they proceed:

Chloroform is employed as a solvent and as an antiseptic, about 1 per cent of grain alcohol being used to prevent decomposition.

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

The PRESIDING OFFICER (Mr. WELLER in the chair). The Secretary will call the roll.

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

Ball	Harreld	McKinley	Smoot
Brandegee	Harris	McLean	Spencer
Broussard	Harrison	McNary	Sutherland
Bursum	Johnson	Myers	Swanson
Calder	Jones, Wash.	Newberry	Townsend
Capper	Kellogg	Norbeck	Wadsworth
Curtis	Keyes	Oddie	Walsh, Mass.
Dial	King	Overman	Warren
Fletcher	Ladd	Page	Watson, Ind.
France	Lenroot	Phipps	Weller
Frelinghuysen	Lodge	Rawson	Willis
Gooding	McCumber	Sheppard	
Hale	McKellar	Shortridge	

The PRESIDING OFFICER. Fifty Senators have responded to their names. There is a quorum present. The question is on agreeing to the committee amendment.

Mr. KING. Mr. President, so far as I am able to discover there was no testimony before the committee of the House or the committee of the Senate which would afford any information as a basis for this particular rate. I know that many items appearing in the bill have no testimony to support them.

It is quite likely that numerous paragraphs in the bill were drawn because of extraneous evidence brought to the attention of the committee but not committed to writing or made available for other Senators, or perhaps upon information which they obtained in reading former tariff laws. Anyone who reads the three volumes dealing with the chemical schedule will be surprised at the paucity of information as a basis for an intelligent framing of an intricate and complex tariff schedule.

Perhaps there is no schedule in the bill more intricate than Schedule 1. Perhaps there is no schedule which involves so much of technical knowledge in its preparation or in an understanding of its items as does Schedule 1, and yet I repeat that the information which we find in these three volumes—and one volume is a supplement and contains testimony relative to many other items—is wholly inadequate to justify these rates; nor is it of sufficient merit or clarity to enable anyone to understand the bill or to justify its provisions.

It seems as if the bill were drawn upon the theory of hop, skip, and jump. "We will give the demandants and the corporations whatever they want. We will make the rates large

enough to suit the cupidity of the most avaricious and greedy and soulless corporations." Measured by that intelligent(?) standard of drafting tariff bills, I must pronounce the one before us, Mr. President, the ne plus ultra of perfection. It is the apotheosis of wisdom. chemical wisdom, tariff wisdom—but it is remarkable for its devotion to special interests and large corporations who will greatly profit by its provisions.

I think in the days which are to come, if we shall be remembered and if the tariff bill shall be remembered, it will be looked to as something unique in the history of tariff legislation, something that can not be defined in any terms of political economy.

I repeat, there is nothing in the testimony with reference to many of these items, and one searches in vain for a rational basis upon which can be rested some of the schedules. I ask my distinguished friend from North Dakota now whether, in writing the rate which we find with respect to this item, chloroform, he took into account the capital invested, wages to be paid, difference in cost in production in European nations and in the United States, or what other real or imaginary reasons or bases may be submitted for our consideration as a justification for this rate?

Mr. McCUMBER. Mr. President, does the Senator want me to answer?

Mr. KING. I yield.

Mr. McCUMBER. I do not think that big adjectives or "cuss" words are going to help us a great deal in solving the problem of attempting to get a fair tariff measure passed.

I have again and again stated the general rules that governed us in trying to secure what we considered a protective tariff bill; I have stated again and again that the pending tariff bill is for both revenue and protection. There may be some instances where we need the revenue even though there be little necessity for the protection; but, Mr. President, I do not think that a 15 or 20 per cent ad valorem duty or its equivalent is an excessive protective measure. When we compare foreign prices with home prices, when we compare foreign wages with home wages, I think that when we give the American the benefit even of a 20 or 25 per cent ad valorem duty we have not imposed upon the American people, nor have we placed any great hardship upon the importers.

The Senator from Utah [Mr. KING] stated a short time ago that the pre-war price of this article was about 15 cents per pound, but I have been unable to ascertain where he obtained those figures. According to the Tariff Information Surveys, the unit value of the imports in 1907 was 47 cents a pound; in 1908, 55 cents a pound; in 1909, 70 cents a pound. Then the price jumped up in 1910 to $1.54 a pound; in 1911, to $1.76; 1912, it declined to $1.66; in 1913, the unit value was $1.74; and in 1914, it was $2.48.

The American price in 1912 ranged from 23 to 28 cents per pound; in 1913—I am taking the month of January—from 25 to 30 cents per pound; in 1914, from 25 to 30 cents per pound; and in 1915, from 30 to 35 cents per pound.

I assume that the imports with the unit value of $1.54 and $1.73 must have come in some kind of special cases or bottles or vials which increased the price to that very high figure, because it is much above the American price.

Mr. KING. May I inquire of the Senator when the price reached the great heights he has mentioned?

Mr. McCUMBER. I have given the prices several years—from 1907. The high price could not have been merely by reason of the duty, for the duty was only 10 cents a pound at that time.

However, Mr. President, turning to the present price, we find that chloroform, technical, is now quoted at 35 cents a pound; and the United States Pharmacopœia brand is quoted at 33 cents a pound. So it will be seen that we are within a very few cents of being down to the pre-war price in the American article, and that upon this basis the specific duty which the committee have imposed is equivalent to an ad valorem duty of 20 per cent, which I consider very low from both the protective standpoint and the revenue standpoint.

Mr. KING. Mr. President, the Senator from North Dakota has expressed some surprise at the figures which I gave showing the pre-war price of this article. I will say to him that I myself was somewhat surprised, and yet those figures were furnished me by the Tariff Commission. They may, however, be inaccurate, but I give to the Senator the authority for the statement. I am inclined to think, though, Mr. President, that my figures must be correct. The Senator from North Dakota has given the present prices and has argued that because the prices now are approximately from 24 to 32 or 33 cents per pound——

Mr. McCUMBER. The price now is 35 cents per pound.

Mr. KING. Yes; because the price now is approximately 35 cents a pound, the Senator argues that there has been a great reduction from former prices, and, I suppose, attributes that reduction to the development of the industry here.

Mr. McCUMBER. If the Senator will allow me, I gave also the American prices during preceding years, ranging from 24 to 30 cents per pound, 30 cents a pound being only 5 cents less than the present price.

Mr. KING. I am inclined to think that the pre-war prices were as I have indicated. The information which I have is that the pre-war foreign price was 15 cents and that the foreign price now is, approximately, 14 cents. That would be the wholesale price. I do not vouch for that information. I only tell the Senator the source from which I obtained it.

Mr. President, I was calling attention to the Tariff Survey, which shows that the production in 1914 of this article was more than one and one-third million pounds; in 1919 the preliminary figures of the Tariff Survey show that the production was 1,677,600 pounds. It is obvious to those who are familiar with chemistry that chloroform requires chlorine in its manufacture, and that the United States is rich in chlorine, sodium compounds, carbon, and various primary products that might contribute to the making of chloroform or any of the compounds of chloroform, two of which, as I recall, are embraced in the pending bill.

In 1914 our imports of chloroform were only 2,444 pounds. Since the World War our imports have been less than 100 pounds annually, while before the war, as I have indicated, they were limited to 2,444 pounds in the fiscal year ending June 30, 1914.

May I be pardoned for directing the attention of the Senate to the fact, which I have heretofore mentioned, that if Germany was ever supreme in the chemical world it was in 1914, before the Great War broke out? I concede that Germany for a number of years prior to the war had been devoting her energies—I will not say to the preparation for war, but for the development of those industries which might be contributory to the war or which would aid in the prosecution of war in the event such an awful calamity as war came to the world. Germany's chemists were particularly interested, perhaps largely through the interposition of the Government, in explosives and making products which we denominate chemical-war products. So Germany was then at the acme of her chemical power and greatness. Yet at that time Germany was unable to compete—or, at any rate, did not compete—with the producers of this article in our own country. According to the figures which I have the foreign price of chloroform at that time was 14 cents and the domestic price 15 cents per pound.

One cent a pound, however, would not measure the differential between the German article and that produced in the United States, for, in order to bring chloroform into the United States, it would have to be carefully packed, and the cost would be considerable, measured by the wholesale price. Then there would be the insurance and the freight and the brokerage and the commissions; so that Germany obviously could not compete in the American market with the United States in the manufacture of chloroform. It would seem, therefore, that we had a monopoly; that we had no foreign competition. Our production, as I have stated, aggregated from 1,300,000 pounds to 1,667,000 pounds.

Now, Mr. President, the cost in the United States is approximately from 24 to 35 cents per pound, depending upon the grade. If it is the United States Pharmacopœia grade, the price is from 33 to 35 cents per pound, as was stated by my distinguished friend. In other words, the prices now are more than double the pre-war prices. That ought not to be the case, particularly with reference to a medicine which is so important to the people. I do not think that we can justify doubling and more than doubling the prices of chloroform as we find the situation to-day. If 15 cents was the pre-war price, and profits doubtless were realized at that price, we may not justify a price of 35 cents per pound now; but, notwithstanding that fact, and notwithstanding the fact that we have no competition, we are asked to impose a tariff upon this article of 6 cents a pound.

I have examined the hearings, as I indicated a moment ago, and I find that a Mr. Pardee appeared before the House committee. Mr. Pardee is vice president of the Dow Chemical Co., one of the large chemical companies of the United States. Ah, Mr. President, it seems to me that the chemical companies have been too potential in the formulation of these schedules, and that we have paid more attention to their interests than we have to the interests of the people. The Dow Chemical Co. is a powerful organization, rich in resources and competent to meet and challenge successfully almost any competitor.

Mr. GARNER asked Mr. Pardee this question:

Are the rates in the so-called Longworth bill, passed here and now pending in the Senate, satisfactory?

It is not a question of what is right. "Is it satisfactory?" That is the question too often asked those who are beneficiaries of tariff legislation: "What do you want? Are the rates satisfactory to you?"—not to the people.

I do not want to characterize as being prejudiced witnesses who came before the committee. Many of them undoubtedly attempted to state the facts; but many of them, I am satisfied, allowed their prejudices, their cupidity, their desire for gain and for unjust profit to influence their testimony. They were interested parties.

Mr. President, in our courts, both in civil and in criminal cases, we have recognized for many years the fact that human nature, where it is interested, is apt to color the testimony given; and so our courts, when interested parties appear and testify, instruct the jury that they may take into account the interest of the witnesses or their lack of interest, their fairness, and their bearing upon the witness stand, and deduce from all of the circumstances attending their testimony whether or not they have told the truth. Most of these witnesses who appeared were interested witnesses, and I regret to say that many of the witnesses were not subjected to what I would call a cross-examination. Many of them merely filed briefs, prepared by learned counsel or by technicians or by skilled representatives, chemists, and otherwise, of the corporations who were seeking these benefits. Testimony of that character is not worth much. It is ex parte. A searching cross-examination of many of these witnesses would have disclosed their unfairness, their prejudice, and the lack of merit with respect to much of their testimony.

I remember reading the cross-examination by the Senator from Missouri [Mr. REED] of one witness, whose name I have forgotten. He asked for costs. He asked if the witness, who had testified as to conditions in Germany, knew anything about the conditions in Germany. In other words, he sought to probe the witness to see how much there was to his testimony and how much credibility should be ascribed to it. That witness's testimony before a fair jury would have had but little weight. It was manifest that he was testifying from his prejudices and from his desires, inspired by a desire for gain and for profit rather than by a desire to present all of the facts to the committee.

How few of the witnesses who testified gave any costs of production! How few of them were willing to bring their books! Indeed, I think I may say without contradiction that but one or two witnesses out of the multitude who appeared during the hearings in the House and in the Senate brought their books to the committee or submitted to a searching cross-examination as to the costs of production or to the returns upon the capital invested. I submit that a large number of the representatives of corporations disclosed, directly or indirectly, that the capital which they had invested in the enterprise was not an original investment, if I may be permitted that term, but that it grew out of the earnings after dividends were paid; and instead of distributing all of the earnings and all of the profits, large as those distributions would have been, they were converted into capital and became a capital investment upon which they subsequently drew dividends, and which they have counted in all of their bookkeeping processes, either for income tax or otherwise, as original capital investment. It is unfair in a sense, but it is permitted and is justified by our business conscience.

So, Mr. President, with respect to this item, the only man who testified was the representative of a large chemical concern, and he said:

> On chloroform the Payne-Aldrich law provided for 10 cents a pound, and we are asking for 33⅓ per cent ad valorem, which would be an increase of 3 or 4 cents a pound over the Payne-Aldrich law.

Most of the witnesses wanted more than the Payne-Aldrich law; and I have called atention heretofore to the fact that this bill is higher in its rates by more than 100 per cent than the discredited, and I was about to say damned—I will say condemned—Payne-Aldrich law.

Mr. SMOOT. Mr. President, the rate on this item is 40 per cent less than the rate carried by the Payne-Aldrich law.

Mr. KING. I concede that this is somewhat less.

Mr. SMOOT. And, of course, the Senator does not mean that statement to apply to the whole bill.

Mr. KING. Oh, no. The Senator will recall the figures which I put in the RECORD. I do not care to refer to them again at this time, unless the Senator desires.

Mr. SMOOT. No; I do not desire it, of course. I think, on the whole, this bill is a very much less protective bill than the Payne-Aldrich bill was.

Mr. KING. I must differ with my friend in that regard.

Mr. SMOOT. I helped to make both, I will say to my colleague.

Mr. KING. Yes; I know that the Senator did, and I believe that if the Senator had had his way both bills would have been better than they are; but I can not think that my distinguished colleague, with all his ability and all his splendid patriotism, will be so very proud of this bill in years to come. My colleague calls attention to the fact that the rate on chloroform is less than the rate in the Payne-Aldrich bill. Of course, there must be a little flower here and there in the great desert. We have an oasis now and then; and we have struck one of those flowers, one of the oases in the great desert of disappointment which we are traversing in the consideration of this bill.

But I return now to what was said by Mr. Pardee. He says:

> We have asked for a duty of 33⅓ per cent ad valorem on chloroform with the expectation that some provision will be made in the administration of the same to provide for the great difference in exchange rates between this country and foreign countries. If, however, it is found impossible or unfeasible to make such provision we ask that a specific duty of 7 cents per pound be levied on chloroform in addition to 33⅓ per cent ad valorem.

As I have indicated, Mr. President, the Senate has reduced the rate of the House bill from a specific 8 cents per pound to 6 cents per pound. But little more need be said in regard to this item. There is no competition. The primary products from which it is made we have in rich abundance, and therefore any duty can not be for revenue purposes, can not be for the purpose of protecting the home industry, can not be for the purpose of measuring the cost of production abroad and the cost of production at home, or for any of the reasons heretofore assigned as a basis for the protective system.

Let me just call attention briefly to what the Tariff Commission says respecting this item:

> It is made from three different raw materials—carbon tetrachloride, acetone, or grain alcohol—all of which are produced in the United States in sufficient quantities. The war demand for acetone greatly stimulated the production of chloroform from carbon tetrachloride.

The imports in 1914 were valued at only $990, and since the war they have been less than 100 pounds annually.

You can not get any revenue from this item. We have no competition with respect to this item. Why the tariff? We have grain alcohol; we have all of the compounds that go into the production of this important commodity. Therefore, there is no reason in the world for a tariff. We know that we are shipping grain abroad. The European nations do not produce sufficient grain at the present time, and in the past did not, for the needs of their people. With our plethora of cereal supplies, with our enormous carbon supplies, and the raw materials which may constitute a part of this finished product, I submit again that there can be no real reason, no sound reason, for this tariff.

I shall move at the proper time to transfer this item to the free list. However, in order to obtain a vote upon it now, I move to strike out the figure "6" and insert in lieu thereof the figure "2." If that amendment shall be defeated, at the proper time I shall move to transfer this item to the free list.

Mr. SMOOT. Mr. President, just for the RECORD, so that we may show why the committee proposed a duty of 6 cents a pound on chloroform, I want to call attention to the history of chloroform in the United States.

In the Dingley Act there was a duty of 20 cents a pound on chloroform, and at that time the foreign price of the chloroform imported into the United States was 55 cents. That was in 1908.

The Payne-Aldrich Act was enacted in 1909, with a 10-cent-a-pound duty, and the foreign value of chloroform advanced from 55 cents up to $1.54 in 1910. That was not the American price, but the foreign price.

In 1911 it was $1.76; in 1912 it was $1.66; in 1913 it was $1.74; in 1914 it jumped to $2.48. That was on account of the war. Then in 1915 it dropped to $1.65; in 1918 it was 76 cents; in 1919 it was 50 cents; and then in 1920 it went to $2, for some unknown reason, in the foreign country. I suppose it was some special kind, a few pounds of which was coming into this country. To-day the price is 35 cents a pound.

So when the 10-cent-a-pound rate was put upon it, the foreign price was about four times or over what it is to-day. I have no doubt but that if we had had chloroform on the free list chloroform never would have been made in this country, but with a duty of 10 cents a pound on it they could hardly destroy the industry in the United States. The industry became established in the United States, and when established the price began to fall. If to-day we had free chloroform, Germany would be charging us at least $1.50 a pound.

I prefer to have a 6-cent rate on chloroform and sell it to the American people for 35 cents than to have it on a free list and kill the industry in the United States and then pay a dollar and a half a pound. That is about the whole situation, as it

appears to the committee, and this is one of the items of all the items it seems to me which ought to have at least fair protection. We have decreased the Payne-Aldrich rate 40 per cent. Under that rate the industry was established. To-day it is established, and we think it can live with a 6-cent rate. The House thought it would take 8 cents, but I think that is too high. So did your committee, and they reduced it from 8 to 6 cents. I am perfectly willing to have the Senate decide whether the committee was right or not.

Mr. KING. Mr. President, the argument of my friend upon this matter, it seems to me, would justify the imposition of a tariff upon every article, whether there was possible any competition from abroad or not. I called attention to the fact, before my colleague come into the Chamber, that in 1914, according to the figures which have been furnished me by the Tariff Commission, the price of chloroform in the United States was 15 cents a pound, and the price in Europe was 41 cents a pound. Those figures may be wrong. I merely state the source of my authority.

Mr. SMOOT. If that is the case, then the duty did them no good at all, and did not hurt the American consumer.

Mr. KING. I concede that to be true, Mr. President, and I think a duty will not do them any good, so far as interfering with foreign competition is concerned, because there can not be foreign competition at the prices indicated; but it will give them a pretext and an excuse to swell the price above what would be just and fair.

I insist that whenever you lay a duty upon an article you may consider that the temptation will be so great that when opportunity is afforded the beneficiaries, the domestic producers, they will increase their prices up to the limit which the duty permits. That is not the object of laying tariff duties.

I had supposed that tariff duties, under the protective theory of our Republican friends, rested upon the conception, first, of a revenue; and, second, permitting a domestic industry which was new, which was an infant, to get firmly established in order that it might meet the storms and tempests of competition as they might rage about it. But, Mr. President, the evidence is incontrovertible that there has been no competition in this article from abroad, and there can be no competition from abroad, and the domestic prices will be such as the cupidity or the honesty of the domestic manufacturers, whichever term you prefer, may determine. There is no reason for this duty.

The prophecies of my learned friend as to what will happen, or may happen, without this duty, I do not assent to. Mr. President, if it be true that when there is no competition we may lay duties because there may possibly in the future arise some contingency when there may be competition, then all we want to do is to put the rates at such arbitrary figures as we may name, without taking into consideration any of the factors which heretofore have been regarded as essential in framing our tariff legislation.

Mr. SMOOT. I would agree with my colleague if there were no competition; but after an industry is established, like that of the manufacture of chloroform, in the United States and the product is made by so many establishments, then the domestic competition will regulate the price. I will admit that if there were only one or two people making the article and they should make it in insufficient quantity to furnish all of the demands of this country, they could get together and raise the price as much as the tariff rate would allow; but there is such competition to-day in this item that I doubt very much whether there is any concern in the United States making an undue profit upon the production of chloroform. What my colleague says would be absolutely right if it were possible for all manufacturers in this country to get together to make one article and fix the price. In that case I would agree with the Senator that the amount of the tariff then would be open to attack, but that does not happen once in ten thousand times.

Mr. FLETCHER. If you fix the duty so high as to keep out importations, then they will get together.

Mr. SMOOT. But this is not so high; and if it were too high, then the domestic competition would bring it down. There is no doubt about that, if the demand in this country is sufficient to require a great number or a reasonable number of makers in the United States. The American people can hardly ever get together upon any kind of a question if they are fighting for trade.

Mr. KING. Where there is an industry firmly established, as the evidence shows this industry to be, with no possibility of any cloud arising in the sky portending foreign competition, with the primary product essential for its construction at the very door of the manufacturing institutions, then I submit there can be no justification for tariff rates, whether high or low.

The senior Senator from Utah ascribed to all of the manufacturers and industrial magnates of our land rather more of the altruistic spirit and the spirit of justice and fairness in their dealings with the public and in the sale of their products than many people are willing to credit them with possessing. I have no doubt that many of the manufacturers and business men of the United States measure up to the highest standards of ethics and justice and attempt to carry on their business enterprises in the way that will be for the best interests of their country. But there are too many who are selfish and who seek undue profit and are willing to employ the powers of government to promote their selfish ends.

I have attempted to learn industrial conditions in the United States and to properly appraise the industrial movements and developments which have occurred and are now taking place in our country. I have discovered a tendency to amalgamation and consolidation for the purpose of stifling competition and forcing higher prices or preventing legitimate reductions in prices. Many of these consolidations have been oppressive of labor and have been inspired not by a proper social spirit or with a desire to promote the welfare of the people. There have been frequent violations of the Sherman antitrust law, of the Clayton law, and of State statutes prohibiting monopolistic conspiracies and combinations. I am somewhat familiar with those conditions, and I affirm that they indicate an unhealthy condition and are unmistakable symptoms of this monopolistic tendency of which I speak. It is unfortunate that the Government and the States do not enforce the antitrust laws and break up the combinations which restrain trade and destroy competition.

There are combinations and monopolies to-day which are in part responsible for the industrial depression, for inequitable prices, and for evil conditions existing in our economic life, and I regret that the Attorney General of the United States and district attorneys and State attorneys seem to be unaware of the many flagrant violations of Federal and State statutes which deal with the questions of monopolies. We must strike down these monopolistic conspiracies against the public. If we do not, then there will be such discontent develop among the industrial masses as will culminate in a formidable assault upon our industrial if not upon our social and economic system. The permanency of the Government in its present political form, the perpetuity of our institutional life depend upon the maintenance of the law of competition. That is the reason I am so much against extortionate tariffs; I perceive in them a menace to the integrity of this Republic. I see in them a menace to the social and industrial forms under which we live, and if they were destroyed the Republic would be shaken. I see in them disturbers of the peace of the people and the peace of the land. If the corporations and the big business concerns are satisfied with reasonable profits, contentment will reign in the land, and there will be no demand for oppressive paternalism or for dangerous and destructive socialism.

I repeat, Mr. President, there is no reason for this rate. This item should be placed upon the free list, and I regret that my distinguished friends upon the other side, in dealing with an article so important to the people as chloroform, needed by the sick, needed by the poor, needed in our hospitals, would be willing to put a tariff upon it, and thus give the opportunity to domestic manufacturers to increase their prices beyond what reason and justice demand.

Mr. FLETCHER. Perhaps the Senator has already observed and commented upon it, but, if so, I failed to hear him. The Summary of Tariff Information shows that the imports of chloroform in 1914 were 2,444 pounds, of a value of $990.

Mr. KING. I have called attention to the fact that 2,444 pounds were imported as a maximum, and that the domestic pre-war price was 15 cents and the foreign price was 14 cents.

Mr. FLETCHER. Since the war the imports have been less than 100 pounds annually. By increasing the duty I do not see that we will obtain any revenue.

Mr. KING. Mr. President, I suggest the absence of a quorum for the purpose of obtaining the presence of Senators in order to have a vote upon my amendment to the committee amendment.

The PRESIDING OFFICER (Mr. LADD in the chair). The Senator from Utah suggests the absence of a quorum. The Secretary will call the roll.

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

Ashurst	Capper	Frelinghuysen	Jones, N. Mex.
Ball	Curtis	Hale	Jones, Wash.
Brandegee	Dial	Harreld	Kellogg
Broussard	Elkins	Harris	Keyes
Bursum	Fletcher	Harrison	King
Calder	France	Johnson	Ladd

La Follette	Myers	Robinson	Underwood
Lenroot	Newberry	Sheppard	Wadsworth
Lodge	Norbeck	Shortridge	Walsh, Mont.
McCormick	Oddie	Smoot	Warren
McCumber	Overman	Spencer	Watson, Ind.
McKellar	Page	Stanley	Weller
McKinley	Phipps	Sutherland	Willis
McLean	Pittman	Swanson	
McNary	Rawson	Townsend	

The PRESIDING OFFICER. Fifty-eight Senators having answered to their names, a quorum is present. The question is on the amendment offered by the Senator from Utah [Mr. KING] to the committee amendment.

Mr. KING. May we have the amendment stated?

The PRESIDING OFFICER. The amendment will be stated.

The READING CLERK. On page 6, line 18, in the committee amendment, the Senator from Utah proposes to strike out the numeral "6" and insert "2," so that it will read:

Chloroform, 2 cents a pound.

Mr. KING. I ask for the yeas and nays.

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

Mr. MCKINLEY (when his name was called). I have a general pair with the Senator from Arkansas [Mr. CARAWAY], which I transfer to the junior Senator from Washington [Mr. POINDEXTER] and vote "nay."

Mr. WATSON of Indiana (when his name was called). Making the same announcement as heretofore regarding my pair and its transfer, I vote "nay."

The roll call was concluded.

Mr. MCKELLAR. Making the same announcement as heretofore as to my pair and transfer, I vote "yea."

Mr. KELLOGG. I transfer my pair with the Senator from North Carolina [Mr. SIMMONS] to the junior Senator from Delaware [Mr. DU PONT] and vote "nay."

Mr. JONES of New Mexico. Making the same announcement as heretofore regarding my pair and its transfer, I vote "yea."

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

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

The Senator from Arizona [Mr. CAMERON] with the Senator from Georgia [Mr. WATSON];

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

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

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

The Senator from South Dakota [Mr. STERLING] with the Senator from South Carolina [Mr. SMITH].

The result was announced—yeas 18, nays 41, as follows:

YEAS—18.

Ashurst	Jones, N. Mex.	Overman	Swanson
Dial	King	Pittman	Underwood
Fletcher	La Follette	Robinson	Walsh, Mont.
Harris	McKellar	Sheppard	
Harrison	Myers	Stanley	

NAYS—41.

Ball	Hale	McKinley	Spencer
Brandegee	Harreld	McLean	Sutherland
Broussard	Johnson	McNary	Townsend
Bursum	Jones, Wash.	Newberry	Wadsworth
Calder	Kellogg	Norbeck	Warren
Capper	Keyes	Oddie	Watson, Ind.
Curtis	Ladd	Page	Weller
Elkins	Lenroot	Phipps	Willis
France	Lodge	Rawson	
Frelinghuysen	McCormick	Shortridge	
Gooding	McCumber	Smoot	

NOT VOTING—37.

Borah	Ernst	Nicholson	Smith
Cameron	Fernald	Norris	Stanfield
Caraway	Gerry	Owen	Sterling
Colt	Glass	Pepper	Trammell
Crow	Heflin	Poindexter	Walsh, Mass.
Culberson	Hitchcock	Pomerene	Watson, Ga.
Cummins	Kendrick	Ransdell	Williams
Dillingham	Moses	Reed	
du Pont	Nelson	Shields	
Edge	New	Simmons	

So Mr. KING's amendment to the committee amendment was rejected.

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

The amendment was agreed to.

The VICE PRESIDENT. The next committee amendment will be stated.

The READING CLERK. The next amendment is on page 6, line 18, in the same paragraph, to strike out "25" and insert "50," so as to read:

Tetrachloroethane and trichloroethylene, 50 per cent ad valorem.

Mr. SMOOT. Mr. President, I ask that the balance of paragraph 17, on page 6, the amendment just stated, may go over temporarily.

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

Mr. MCCUMBER. Mr. President, I ask that paragraph 18, chalk or whiting or Paris white, may be passed over temporarily.

The VICE PRESIDENT. Without objection, paragraph 18 will be passed over.

The next amendment of the Committee on Finance was, on page 7, line 5, before the words "per cent," to strike out "15" and insert "25," so as to make the paragraph read:

PAR. 19. Chemical compounds, mixtures, and salts, of which gold, platinum, rhodium, or silver constitutes the element of chief value, 25 per cent ad valorem.

Mr. JONES of New Mexico. Mr. President, it seems to me this item would call for some statement from the proponents of the amendment. I pause to inquire if any member of the majority of the committee desires at this time to make an explanation. [After a pause.] Apparently no explanation is forthcoming. I think that the time is opportune——

Mr. SMOOT. Mr. President, I will simply say to the Senator, so that he may know really why we put this rate at 25 per cent, that in the first place, of course, the House based the 15 per cent rate on the American valuation. That was the real reason why we changed it to 25 per cent. All of the items in this paragraph, being chemical compounds, mixtures, and salts, of which gold, platinum, rhodium, or silver constitutes the element of chief value, are used very little, indeed. Twenty-five per cent is carried through the bill in the basket clauses and is applied to many of the items which are seldom used. The Senator will remember that only last night I asked that a decrease be made in one of the chemical compounds from 35 to 25 per cent. This simply means that we are carrying on all chemical compounds 25 per cent to make them uniform throughout the bill.

I think that the Senator will bear me out that as far as the result in revenue on these items is concerned it is very meager, indeed, but it will be a uniform rate, and if there is any question whether it is a compound, no matter under what paragraph it falls, it will carry the same rate.

Mr. JONES of New Mexico. I was under the impression that we were considering paragraph 18.

Mr. SMOOT. No; that paragraph was passed over.

Mr. JONES of New Mexico. I did not know that it had been passed over.

Mr. SMOOT. Yes. I understood the chairman of the committee to ask that it be passed over.

Mr. MCCUMBER. That paragraph has gone over.

Mr. JONES of New Mexico. I repeat that I did not know that the paragraph had gone over.

Mr. SMOOT. I thought the Senator from New Mexico had reference to paragraph 19, and my remarks had reference to that paragraph.

Mr. JONES of New Mexico. I had reference to paragraph 18 of the bill. Paragraph 18 has been passed over for what purpose, may I inquire?

Mr. MCCUMBER. It was passed over for further consideration of the duty of 35 per cent ad valorem, which is therein proposed to be imposed.

Mr. JONES of New Mexico. The idea is that the committee will further consider the matter?

Mr. MCCUMBER. Yes.

Mr. JONES of New Mexico. I am very glad to get that information. I hope the committee will ask to have some other items passed over as well. I suppose that as to the pending paragraph we have had all the information that is deemed necessary. There is very little information upon this subject which has been furnished to us; but if the Senator from Utah is perfectly content to let the matter go that way I feel that it is useless to make any further comment upon it, and I do not intend to discuss the matter further at this time.

The VICE PRESIDENT. The question is on agreeing to the committee amendment to paragraph 19.

The amendment was agreed to.

The next amendment of the Committee on Finance was, on page 7, line 6, paragraph 20, to strike out the word "preparations" and to insert "mixtures," so as to read:

PAR. 20. Chemical compounds, salts, and mixtures of bismuth.

Mr. JONES of New Mexico rose.

Mr. SMOOT. I will simply say to the Senator from New Mexico that the reason for the proposed increase from 25 to 35 per cent recommended by the committee in line 7 is that we

have put a duty on metallic bismuth, and the increase here is simply to compensate the manufacturers of these chemical compounds, salts, and mixtures of bismuth for the rate of duty that has been put upon metallic bismuth.

In addition to that I may add that the House provision was 25 per cent on the American valuation, and this provision is for a 35 per cent duty on the foreign valuation, which really is a lower rate than the House duty imposed upon metallic bismuth.

Mr. JONES of New Mexico. May I inquire why the duty was put upon the metallic commodity?

Mr. SMOOT. I ask the Senator from New Mexico to turn to paragraph 376-a, which imposes an ad valorem duty of 7½ per cent on bismuth.

Mr. JONES of New Mexico. It seems to me that this same situation occurs in a number of cases in the bill. There seems to be nothing at all stated in the information we have regarding that item. There is no information of which I am aware anywhere in these documents as to why bismuth itself should be put upon the dutiable list. The item is transferred from the free list, but there is no information as to why that has been done.

The placing of a duty upon the item which we are at present considering in this paragraph of the bill is excused by the fact that some action has been taken somewhere else in the bill, but there is no explanation of why the first step was taken.

The article was free under the act of 1909, and it is also free under the present law. It is a mere by-product, as I understand, of the lead industry. Now, will the Senator from Utah explain to us why the article is put upon the dutiable list?

Mr. SMOOT. If the Senator wants me to answer that question now, I will say that bismuth was put upon the dutiable list at a rate of 7½ per cent ad valorem because the committee deemed necessary in that way to protect the industry in the United States. I think when the Senator from Utah takes into consideration the smelting of lead ores in other countries and the fact that they have the markets of the world, as well as the American market, he will admit that we ought at least to allow a duty of 7½ per cent on the article.

I will say to the Senator from New Mexico that I have not any doubt that the duty of 7½ per cent will find its way back to the man in the United States who produces the ore carrying bismuth, and I think that there is no real danger to any consumer of bismuth in the United States in a 7½ per cent ad valorem rate on the foreign valuation of the article.

Mr. JONES of New Mexico. The only information we have regarding bismuth I intend to read. Under the act of 1909 it was on the free list; under the present law it is o.. the free list. In the Summary of Tariff Information there are just two paragraphs regarding it which describe the commodity and give its uses:

Description and uses: Bismuth, one of the minor metals, is soft, reddish-white, and highly crystalline. It is a component of many easily fusible alloys which are used in manufacturing automatic fire sprinklers, electric fuses, and solders. Since it expands on solidifying from the molten state, it is used in some form of type and in metal bearings. The principal uses of bismuth, however, are in certain medicines and to some extent in the manufacture of cosmetics.

Now, on the subject of production the summary has the following to say:

Production is about 300,000 pounds annually, practically all as a by-product from the smelting of lead, copper, gold, and silver ores in Utah. Bolivia produces most of the bismuth of the world; some ore is also produced in Australia and Tasmania, which is mostly refined in Great Britain. Considerable bismuth ore has been produced in conjunction with tungsten in China, which promises to be of increasing importance.

Mr. President, that is all the information there is in this record, so far as I have been able to find, regarding bismuth. Apparently it is only a by-product of an industry in the State of Utah. The Senator from Utah has told us, "We thought that a duty of 7½ per cent on bismuth would be about right." About right for what? The "for what" is not disclosed. Here is a mere by-product, derived from smelting certain ores in the State of Utah, and we are complacently and good humoredly told "We thought that duty was about right to be put upon it." Then we are told when we come to the compounds of bismuth that because a duty of 7½ per cent was put on bismuth it was necessary to increase the duty on the compounds. Mr. President, that is all the information we have.

Mr. SMOOT. Mr. President, the Senator evidently has not read the hearings or he would not make that statement.

Mr. JONES of New Mexico. I asked the Senator to give us the information, and I think I have stated all that he gave.

Mr. SMOOT. The Senator from Utah is not going to take the time of the Senate to answer in detail every question the Senator from New Mexico asks. I know for what purpose the Senator from New Mexico asks the question. The Senator already has the information if he has examined the hearings, and knows very well what the testimony before the committee was. So far as concerns the Senator's insinuation that the duty was placed on the commodity because it is a by-product of smelting in Utah, that had nothing whatever to do with it. The Senator from Utah did not ask for any duty on bismuth. If the Senator from New Mexico wants to know the reason for the action of the committee, I can tell him what the testimony before the committee was or I can read it to him or he can read it for himself.

Mr. JONES of New Mexico. I asked the Senator a while ago for information on this point.

Mr. SMOOT. Mr. President, I am not going to take the time to go into detail, because I did not think the Senator was really trying to get any information on a duty of 7½ per cent ad valorem.

Mr. JONES of New Mexico. Why, Mr. President, that is just exactly what I wanted, or I would not have asked the Senator from Utah for it.

Mr. SMOOT. The Senator has asked the same question about every item that he has ever risen on this floor to speak about; and after the question was answered, if it was answered in detail, I do not care how long it was, if it took 30 minutes to do it, the Senator would then proceed to demolish that, and also to express himself as to why he thought it should not be. There is not any question at all that every Senator who has been here very long knows the earmarks of a filibuster, and I think we have them, and I think we have had them; and, if I know them, I know what has been going on of late.

Mr. JONES of New Mexico. Mr. President, it seems to me that the best evidence of a filibuster is when a Senator rises on this floor and undertakes to give information, and then, later on, confesses that he simply gave enough to confuse the situation.

Mr. SMOOT. Oh, no; any statement I might have made would not have influenced the Senator one iota. The Senator has made up his mind what he will do; he has made up his mind what he will say; and anything that can be said upon this side of the Chamber will not change him in the least, and he will take just so much time.

Mr. JONES of New Mexico. Mr. President, I think the Senator may be right. I have not seen anything in this bill yet, nor has anything developed in the discussion of this bill, which leads me to believe that there is any reason why I should change my mind about any of these items. But I want to say this to the Senator: I think it is due to the Senators who are going to vote for this increase of tax to know why it is done. I asked the Senator from Utah awhile ago why it was done. He made his statement, and then I commented upon that slightly, and then the Senator arises here and accuses us of a filibuster when there is nothing of the sort; but we are determined that some light shall be thrown upon this bill. It seems to me that this is just in keeping with the policy of the majority of the Finance Committee to increase these taxes, give no reasonable justification for doing it, but just simply say that they think this is about enough.

This does not encourage any industry. It is a by-product, according to the statement of the Tariff Commission from which I have read, and yet you put a tax upon it which is going to increase the cost of medicines which the people of this country must consume.

Mr. SMOOT. Mr. President, it is a by-product just exactly the same as waste from wool is; and I shall notice very carefully how the Senator votes upon wool when we reach that, and then he will see whether the waste from wool that goes into clothing is a by-product or not. There are a good many by-products that come from hides, and I shall want to know whether or not those by-products are to be considered by the Senator when we reach hides.

Mr. JONES of New Mexico. Then I will ask the Senator why we have not had a duty on this item before?

Mr. SMOOT. A good many things have been taken from the dutiable list and put on the free list, and some have been taken from the free list and put on the dutiable list. The Senator knows—I think he does, because he has lived in a mining country—that Bolivia, China, and Australia are the countries where the great mines are found carrying high percentages of bismuth in their ore; and, in fact, many of the mines in Bolivia are worked for the bismuth alone, some of the ores running as high as 30 per cent. The Senator knows that that ore can be worked and the bismuth produced at a great deal less cost than it can be produced in this country.

The Senator says that bismuth is a by-product. It is in many cases, but it costs the man who takes it out and saves it a great deal more to produce it here than it does to produce it in a foreign country. There is not any doubt about that, and I think the Senator will admit it.

As to this 7½ per cent duty, as far as I am personally concerned I do not care whether this material goes on the free list or whether it remains at 7½ per cent; but the testimony shows that the importations are already about a third of all that is produced here, no matter whether it is a by-product or not. Therefore the committee thought that with the testimony that was given there they would impose a duty of 7½ per cent ad valorem on bismuth.

Mr. JONES of New Mexico. Mr. President, we have been given a number of different theories as to how these rates were based, such as the difference in the cost of production here and abroad. We have heard nothing about that until just now the Senator has made some general statements about it; but the Senator does not believe that putting this duty on this product will increase the domestic production, does he?

Mr. SMOOT. Why, Mr. President, it may increase it a little, but not very much, I think.

Mr. JONES of New Mexico. It is a mere by-product which comes from the smelting of so much ore of a certain kind.

Mr. SMOOT. The Senator knows that when the amount of bismuth gets so low that it does not pay even to save it in the smelting of ores it goes entirely to waste and is not gathered at all by the smelters; so if the price is 7½ per cent higher of course a lower grade of ore can be saved and will be saved if it is profitable to do so.

Mr. JONES of New Mexico. It has never stopped the production in the past under free trade, has it? And yet now they want a duty on bismuth, a mere by-product of smelting ore in the State of Utah. Of course, it is a mere coincidence that it happens to be in the State of Utah, from whence the Senator comes, and I want to absolve him from all intimations or innuendoes in that connection.

Mr. SMOOT. Of course the Senator knows, if he knows anything about it, that the ores come not only from the State of Utah but they come from Nevada. I do not think they come from Arizona, but they come from Colorado. I think Montana has her own smelter there and takes care of the bismuth that is there; but the ores that come to the great smelting center at Salt Lake City—I do not care whether they are bismuth or other ores—of course are smelted there in the State of Utah, because that is the great smelting center of the intermountain country.

Mr. JONES of New Mexico. In perfectly good faith, I want to avoid any inference or innuendo that any personal interest of the Senator from Utah is involved here. I know that he is not treating the matter from that standpoint at all. It just happens to be a coincidence, but I am sure that the matter has been treated from a very broad point of view.

This duty will not increase the production, because that bismuth will be saved if it can be saved. Nobody had thought heretofore to put a tax upon it, and, of course, there are a great many items still on the free list. Coffee, I believe, is left on the free list, and some other things are on the free list. Perhaps spices from Arabia are on the free list; but I have had a very difficult time in finding anything on the free list which is produced in this country at all, even though we may produce a great surplus and export a surplus to the world. Of course, there are a few items; I understand that; but time and again we have come across items in this bill, and they are here by the hundred, where the importations amount to practically nothing, and yet a tax is put on, and it can not be for any other purpose than to create monopolies in this country, absolutely to shut out competition from the rest of the world, and in doing this they are exercising the great power of taxation. It seems that if there is an article on the free list that might give somebody a chance, if a tax were put upon it, to increase his prices, they have imposed the tax; and if a subject comes up where apparently they know nothing about it, without investigation they increase the rate which exists under the present law, and apparently without any reason for it except that they have gotten in the habit of increasing these rates.

I want to say that I think that is a vicious habit. These things ought not to be done as a habit. They ought to be done only after careful thought. To use the power of taxation without a serious consideration of the situation, unless there is real consideration of it, to my mind is a betrayal of the public interest.

I do not like to dwell upon these things in connection with such an item as this. It is not much, and yet you take a little here, you take a little there, you help this industry here and another industry there, and while I do not know that political friendships are considered in all this, it doubtless brings about a good feeling of friendship, and "one good turn deserves another."

Mr. President, it is inevitable what the result is going to be. There has not been a vote yet but that the vote in this Chamber has been always just the same, whether any reason exists or not, and in but very few instances has anyone on the other side of the Chamber attempted to give any explanation for these great increases of duty. It is expected that each one shall promptly vote according to the way the leaders tell him to vote. There has been no attempt by the great number of Senators on the other side of the Chamber who are voting with the majority of the Finance Committee to learn anything about this bill. There has been no serious proffer of information by anybody on the other side regarding the bill. Apparently there is a determination to put the bill through precisely as it is written. I apprehend that there will be no deviation on the other side of the Chamber.

That is what we are coming to, without any information, and I do not blame Senators on the other side who are trying to crowd this bill through, to jest about questions being asked, to say something about a filibuster, when they must realize that an effort must be made somehow to let the people of this country know what this thing means. I do not blame you for talking about filibusters. I do not blame you for not wanting questions asked. This bill will not stand the test of examination. We want to have the people of this country understand what this means, and that is the only object I have had in view up to this date. But I do think the people ought to understand just what these proceedings mean.

Mr. WALSH of Montana. Mr. President, I do not think there is any just cause for complaint on the part of anyone interested in the speedy passage of this bill when a demand is made for information concerning matters upon which Senators are obliged to vote.

My understanding is that whatever changes were made in the bill as it came from the House were made upon consideration of the bill by the majority members of the committee, without any participation in the sittings by the minority members. If the bill had been framed as bills ordinarily are, if those who were advocating the measure had an opportunity to participate in such changes as the committee might recommend, the minority members, or those opposed to the passage of the bill, would be there, and would hear the reasons which were urged for or against the action taken by the committee; but with reference to this bill, that course, as I understand, has not been taken.

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

Mr. WALSH of Montana. I yield.

Mr. SMOOT. Does not the Senator know that there never has been a tariff bill prepared in any other way than that followed in this case?

Mr. WALSH of Montana. I am not complaining about that. That is entirely irrelevant to the matter I am presenting. I am saying that if it were so framed, those of us who do not look with a very high degree of favor on the bill would confer with those who were not like us opposed to the measure, and ascertain what reasons, if any, there were for the changes made by the committee, or at least what reasons were urged.

Here is an amendment which is offered by the committee. The House seemed to think that an ad valorem duty of 25 per cent on bismuth was adequate. We all know perfectly well that the gentlemen of the House who framed this bill are in favor of very high protective duties; but that does not seem to be quite satisfactory to the Senate committee, and they fixed the duty at 35 per cent on bismuth, and we are asked now to sustain the committee in increasing this rate, but it seems to me that we may fairly ask what reason is assigned for this, and that we may fairly ask for some information concerning it.

I supposed I knew something about the mining industry in the West, but this is a new one to me. I have before me a late copy of the Mining and Engineering Association Journal, which gives a general review of the mining industry throughout the United States and takes up the specific mineral productions. I do not find bismuth canvassed in it at all. It is not a product of any of the ores of our State. If it is found in the ores at all, it either goes up in slag or goes off in fumes, and no effort is made to save it. It is news to me that there is any product of this ore incidental to the smelting of ores in the State of Utah.

I should like before I vote on this matter, either for the amendment or against the amendment, to have some information about this mineral product. With what ores is it found in combination?

Mr. SMOOT. It is found in lead.

Mr. WALSH of Montana. By what process? We have the leading lead smelter in the world in my home town, Helena. The American Smelting & Refining Co. smelts all the ores that are smelted from the Coeur d'Alene country. The most phenomenal deposit of silver ores in the world is smelted at my home town. We do not produce any bismuth there from those ores. If it is found that we obtain it on analysis, it will be news to me. Of course, in my experience in that country for 30 years I have seen multitudinous chemical analyses of ores, and I do not now recall ever having seen mention even of a trace of bismuth.

Mr. SMOOT. I do not know what the condition is in Montana——

Mr. WALSH of Montana. I was speaking of Idaho as well as of Montana.

Mr. SMOOT. I think the Senator is wrong about Idaho. I do know that bismuth is found in gold ore, it is found in silver ore, it is found in copper ore, and it is found in lead ore. In the State of Utah it is found more in lead ore, though there is a great deal in copper. In western Utah copper we find bismuth sometimes running quite high—that is, higher than in other sections of the State. If the Senator will ask the Geological Survey, they will tell him where it is found in different parts of the United States.

Mr. WALSH of Montana. Yes; I have no doubt of that.

Mr. SMOOT. The report shows that it is found in copper ore, in gold ore, in silver ore, and in lead ore. I will say, as far as the State of Utah is concerned, it is found more in lead ore and in copper ore than in silver or gold.

Mr. WALSH of Montana. I do not undertake to dispute the Senator. His information about the matter may be very much more complete and more exact than mine. I am looking for information about the matter. I would like to know how much is produced in the State of Utah, how it is produced, what the price is, and, if possible, what the relative cost of production is, where the competition comes from, and some facts upon which anyone can form some conclusion as to whether there ought to be any duty put upon bismuth at all, or, if there should be a duty on bismuth, whether it should be 25 per cent or 35 per cent.

Mr. SMOOT. The production of bismuth in the United States from 1912 to 1920 has been as follows:

	Pounds.		Pounds.
1912	122,080	1917	318,187
1913	213,554	1918	266,499
1914	251,481	1919	342,749
1915	316,716	1920	269,834
1916	245,667		

The price of it to-day is running from about $1.90 to $2 a pound. The competition comes from Bolivia, China, and Australia; and in some parts of the world, I think in Bolivia, the highest content in ores runs from 25 per cent up to 70 per cent. In the western country it runs, perhaps, from about 3 to 4 per cent in our lead ores; sometimes in copper ores even a little less than that.

As far as the question of the comparative cost is concerned, the Senator knows there would be a great difference of cost of production between a 25 per cent ore and a 4 per cent ore. He is perfectly familiar with the smelting business, and therefore, if we are going to put this business on any kind of an equality, it seems to me, and also to the committee, that they ought to have a 35 per cent ad valorem rate.

Mr. WALSH of Montana. What amount has been imported?

Mr. SMOOT. I will read the figures as to the importations to the Senator, if he wants them. The imports for the years 1909 to 1920 have been as follows:

	Pounds.		Pounds.
1909	176,720	1915	34,000
1910	200,000	1916	64,000
1911	178,000	1917	88,000
1912	166,000	1918	85,000
1913	151,000	1919	76,000
1914	133,000	1920	72,771

Mr. WALSH of Montana. Then it would appear that under free-trade conditions, with this metal upon the free list, the importations usually ran about 50 per cent of the American production.

Mr. SMOOT. That is about right; sometimes a little more, and now they are less.

Mr. WALSH of Montana. Now it is proposed to have a duty of 35 per cent ad valorem on that product, which the American producer seems able to compete with upon the basis of about two to one. What is the reason for assuming that under those circumstances, when the American producer, under free trade, is able to market twice as much as the foreign producer is able to market in the United States, that it can be produced more cheaply abroad than in the United States? How could that condition exist?

Certainly the Senator will not contend that in foreign countries—Bolivia and Brazil, for instance—they will be able to compete on any more favorable conditions than we in the United States. They are meeting exactly the same conditions there that we are meeting, namely, the cost of mining is increasing all the time.

I must say, Mr. President, that some further explanation seems due for this particular duty than that which has been given to us.

Mr. SMOOT. Mr. President, the Senator knows very well that ore carrying 70 per cent bismuth can be smelted and produced at a great deal smaller price than when it is carrying 3 or 4 per cent. The Senator knows that, of course.

Mr. WALSH of Montana. Of course, there is no doubt in the world that the higher percentage the ore carries, the more cheaply it can be produced.

Mr. SMOOT. The Bolivia ore carries a higher percentage of zinc ores than any other ore.

Mr. WALSH of Montana. That is only one element.

Mr. SMOOT. You would not want any other element if you had 70 per cent bismuth in the ore. With that bringing $2 a pound, I would rather mine it than gold.

Mr. WALSH of Montana. If your ore were solid bismuth you probably would be able to produce it less expensively than if the ore carried only 3 per cent of bismuth.

Mr. SMOOT. If it were solid bismuth it could be mined a great deal cheaper than the 70 per cent, and if it was 70 per cent it could be mined cheaper than the 50 per cent, and if it were 50 per cent it could be mined cheaper than the 40 per cent.

Mr. WALSH of Montana. But we have no such conditions.

Mr. SMOOT. We have not, but the ores run as high as 70 per cent, so our Geological Survey say.

Mr. WALSH of Montana. Mr. President, that does not show anything, either. That does not signify anything at all, as anyone who is familiar with the mining business knows. The rule about that, so far as gold mining is concerned, and as applied to copper, too, for that matter, is that the cheapest kind of mining is the mining of the low-grade ores. The great Utah Consolidated, in the State the Senator so ably represents, is a case in point. The ore there is exceedingly low grade, so low that for years and years it was considered as practically valueless, and a number of developers actually failed through their efforts to make it profitable. But by high engineering skill it has become one of the great copper mines of the world, so that it does not signify anything at all to say that the ores of Bolivia carry a higher percentage of bismuth than the ores of Utah. That is only a very small element of the cost of production.

Mr. SMOOT. The Senator from Montana does not want me to believe anything like that. The Senator knows that there is not any bismuth in the Utah copper ores. They are moving one mountain and putting it into a valley, Mr. President, and during the transfer of that mountain to the valley they are taking out copper ore. It is not mined by hand at all; it is handled by steam shovels, and the Senator knows that the ore in Bolivia carrying bismuth is not mined by steam shovels.

Mr. WALSH of Montana. That is what I was trying to explain, that the bare fact that the compounds of Bolivia carry a higher percentage of bismuth than do the ores of Utah does not show that they can not mine bismuth in Utah just as cheaply as they can in Bolivia.

Mr. SMOOT. The Senator knows there is not a pound of ore carrying bismuth that is mined in Utah or anywhere else that I know anything about in the world that is mined with a steam shovel. They mine the same way in Bolivia that they do in Utah or any other place.

Mr. WALSH of Montana. I pleaded my ignorance at the outset. I do not know that.

Mr. SMOOT. I know it, and I will say to the Senator that is the fact.

Mr. WALSH of Montana. Of course, I do not know from just what kind of veins the bismuth smelted in Utah comes.

Mr. SMOOT. The Senator knows we are not mining gold with steam shovels.

Mr. WALSH of Montana. We did in Montana.

Mr. SMOOT. Ah, that was a dredge. They never used a steam shovel.

Mr. WALSH of Montana. No. We do our gold mining in glory holes in Montana. However, I seem to have all the information the Senator from Utah has in the matter.

Mr. UNDERWOOD. Mr. President, I desire to present a few comments to the Senate, not because I think the item before the Senate is a very important item, however. I think the

last statistics I have show that the production of bismuth in this country for 1919 was 502,300 pounds, valued at $1,235,500. That may seem to be small, small in commerce, small in industry, but it is not small in principle. There is either a right principle or a wrong principle about this matter.

The only reason I have to discuss it at all is not in regard to the item itself but because I think this item is illustrative in a very clear way of the difference in the principle on which the two great parties of the country levy their taxes at the customhouse. Of course, in one way it is of importance. All manufactured bismuth—not the metal compounds from which it is made but the manufactured bismuth, the item under dispute—is a medicine. It is sold as a medicinal preparation.

Even if I were a protectionist and believed in the doctrine of protection as my friends on the other side of the aisle believe in protection, it seems to me there are some places where I would draw the line of levying taxes for the purpose of producing money for industry. I think I would draw the line at fertilizers, which are necessary to produce cheap food. I think I would draw the line so far as practicable when I entered the domain of medicine, something that the rich and the poor alike must have, something for which the rich and the poor must pay the same price.

What do we find in reference to this particular item? It is not important in reference to the number of pounds produced, not important in the value of the product in this country, but only of great importance because the American people have to use it as a medicine. There may be differences on that score.

Mr. SMOOT. They had to use alcohol.

Mr. UNDERWOOD. The Senator from Utah says they had to use alcohol, but certainly bismuth is not to be excluded from use as a medicine on the same ground on which the Senator would include alcohol.

Analyze the situation. Analyze what is being done. In the past the compound of bismuth, the medicine that we have under consideration, bore a tax of 10 per cent, a tax that produced some revenue to the Government of the United States as a revenue producer. It was one of those little items which, dropped into a tariff bill where not a very excessive rate was levied, gathered in some revenue. It had been carried in the tariff laws of the past, in Republican tariff laws as a rule at 15 per cent ad valorem and in Democratic tariff laws at 10 per cent ad valorem. Now we find, when the present bill is written, that the tax on this medical compound is increased from the present rate of 10 per cent to 25 per cent ad valorem. In other words, if the whole industry responds to the tax at the customhouse, and that is the way our protectionist friends levy the tax in order to make it respond, then when the man who needs this preparation presents his doctor's prescription at the counter he is to be met with a tax of 25 per cent so far as the bismuth is concerned. It is true there may be water in the compound.

Mr. SMOOT. A thousand per cent profit, no doubt.

Mr. UNDERWOOD. The Senator from Utah says a thousand per cent of water in the compound. That is some exaggeration.

Mr. SMOOT. No; I said a thousand per cent profit on the prescription. That is about the way it runs.

Mr. UNDERWOOD. That is probably true, and that is all the more reason why you should not add to that profit a tax.

Mr. SMOOT. It does not make a particle of difference in the retail price.

Mr. UNDERWOOD. If the retailer can make 1,000 per cent, then it goes without saying that the wholesaler has a market for the product on which he can realize.

We ask why the bill increases the tax, and we are told the reason for it is that metallic bismuth, a compound which in this country is a by-product of mining lead, copper, silver, and gold, a refuse matter that has to be thrown off to purify the metals, has been taxed at the customhouse 7½ per cent by this committee. A tax of 7½ per cent has been levied on metallic bismuth at the customhouse, and metallic bismuth is the raw material of the article that is now under discussion—compounds of bismuth for medicinal purposes.

Why should that happen? Metallic bismuth for many years past has been on the free list. It has been untaxed. There is not much coming into this country. I listened to what the Senator from Utah said awhile ago and my information about it is that in metallic bismuth the imports amounted to about one-third of the American production.

Mr. SMOOT. From over 50 per cent down to one-third.

Mr. UNDERWOOD. But at one time less than that, though it is one-third now according to the last figures given. The war did not have much to do with this importation, because, if I am informed correctly, practically all of it came from South America, which was not affected by war conditions. Metallic bismuth has been on the free list during the life of the present law, and if I recollect right it was on the free list under the Payne-Aldrich law. Am I correct about that, may I ask the Senator from Utah?

Mr. SMOOT. The Senator is correct.

Mr. UNDERWOOD. That is my recollection. So that for 15 years, and it may be longer, metallic bismuth has been on the free list. It has not destroyed any industry. It could not destroy the industry, because in this country the product is only gathered as a by-product. Men were going on to mine silver, gold, lead, zinc, and copper, and they had to throw the bismuth out as they would throw the slag out of the iron ore to make a ton of pig iron. There is nothing here to show that the entire production of metallic bismuth was not consumed in the American market. We imported about one-third of all we consumed.

But a new era faces the American people, not growing out of war conditions in Europe, not growing out of war prices, not growing out of the protection of labor, but growing out of the new principle that is about to be established in these United States of protecting profits—protecting the profits of the producers of lead, copper, silver, and gold in the far western mines and their by-products of metallic bismuth, allowing them to raise the price a little higher in order that they can put a little more money in their pockets. That is the reason why this tax is levied.

In the past there have been a number of importations; but it is a small commodity, and if this tax is to be levied for revenue we could not greatly increase it without driving the commodity out of the market, because the imports of the commodity coming into the United States have to stand the high transportation rates into the United States, both by sea and land, to reach the ultimate market of its consumption.

But it is clear that the committee brought in the bill, as I said, not for the purpose of protecting American labor in the industry, because the labor is engaged mostly in the smelting of gold, silver, lead, zinc, and copper. This is merely a refuse which that labor throws off. It is not for the purpose of preventing this industry from being driven out of business, because, admittedly, for 15 or 16 years there has been absolute free trade in the commodity, and yet two-thirds of it continues to be made in the United States.

If you are to levy a tax, you have to let something come through. This is not depriving the American manufacturer or producer of any American market. Admittedly, he has two-thirds of the market for metallic bismuth. But in order that he may possibly have it all, in order that he may possibly be able to put up his price 7½ per cent on metallic bismuth, the Committee on Finance has reached the conclusion that it will be necessary to raise the tax on the finished product of bismuth, which is used for medicinal purposes, from 10 to 25 per cent. I know that the committee in estimating the duty on the finished product usually multiplies by two. The difference between 10 and 25 per cent is 15 per cent, and the tax on the raw material, metallic bismuth, is 7½ per cent, showing that in the estimation of the committee they expect the levying of this tax at the customhouse to put up the price of metallic bismuth 7½ per cent a pound, because they take care of the purchaser of the raw material by giving him an additional duty of 15 per cent of the value of his product.

That is an illustration of the way tariff bills are framed by the party on the other side of the aisle. This tax is admittedly not to protect labor, because the tariff duty has not increased production, and an additional duty will not increase production; admittedly it is not for the development of home production in America, but is solely for the purpose—and it can not be for any other purpose—of protecting the profits of the producer of metallic bismuth in the hands of the smelters of the West. It is proposed to levy an additional tax on the medicine of the people of 15 per cent ad valorem.

Mr. SMOOT. The tax is 7½ per cent ad valorem.

Mr. UNDERWOOD. A duty of 7½ per cent on metallic acid is proposed to be levied, but the duty on medicinal bismuth has been increased from 10 to 25 per cent, which is an increased tax on the bismuth that the American people must consume as medicine of 15 cents on every dollar's worth they buy. That will not be very great; probably it is not enough to break even a very poor man. I am not contending that this is a very serious item. I am only saying that it is illustrative of the methods pursued by the party on the other side of the aisle. As to the very poorest man who carries a prescription to the drug store and has to pay a dollar for having it filled in order to protect the life of his family, the tax that he has to pay of 15 per cent more will not destroy him; but is it just that such a tax should be levied, not for the use of the Government but to increase the profits of the manufacturer not merely in his prin-

cipal line of business but on a by-product which he would otherwise have to discard and on which he is trying to make some additional profit? That is what is proposed in this case. There is the issue.

The party to which I belong is often charged with being a free-trade party. Mr President, so far as I know, from the beginning of the Government the Democratic Party has never abandoned the system of raising taxes at the customhouse. There are absolute free traders in the Democratic Party; sometimes I have known a few free traders in the Republican Party who have voted for that party for other reasons; but the Democratic Party believes that the tax levied at the customhouse should be levied for revenue purposes only; that the customhouse is a place where revenue may be obtained to run the Government; that it is a convenient way of raising a certain amount of revenue; and that if a revenue tax be levied at the customhouse in such a way that it does not unduly dam back competition from abroad, and the person who pays the tax really pays it to the Government, it is a reasonable way to raise taxes. When, however, a tax is levied so high that very few imports come in—and if imports do not pass the customhouse door they leave no taxes behind them—the result accomplished is merely that of raising the price, which goes into the pockets of the home producer.

The effect of protective tariff laws has been to tax the great mass of the American people and to swell the profits of a few. I often hear the ideas of socialism and communism condemned; such condemnation often comes from the other side of the Chamber. I do not believe in socialism or in communism myself, but it is discrimination on the part of the Government against the masses of the people for the benefit of the few that sows the seed from which the tree of socialism and communism has grown in this country. Discontent can not be brought about by unjust laws without reflecting on the whole system of Government.

This is a very small item; but there is no reason for the increased tax on metallic bismuth, which compels an increased tax of 15 per cent on the medical compound, except the greed of monopoly. That suggestion is illustrated not merely by one but by hundreds of items in this bill.

Senators on the other side complain that we are filibustering. We are not. There may be delays involved in the consideration of the bill, and I realize that they are very trying to the Senators who have charge of the bill and have to put it through; but the Republicans command a majority in the Senate; they have the right to reflect their viewpoint into the laws of the country, because the mandate of the American people gave them that power. But we as a minority also have a duty to perform, and a very imperative duty, and that is, if we think the majority are going wrong, to criticize them and let the American people know the situation. This bill is going to stay before the Senate until a sufficient number of speeches have been made, such as the one I am now making, pointing out wherein we think the majority are wrong in levying protective rates for the benefit of a few producers and imposing unnecessary burdens on the backs of millions of people, to make plain to the American people in a manner which they may understand, what is being done here. Then, when we have accomplished that result, when we have presented our case to the American people so they may understand what the majority party is doing, the party in control of the Senate will have a full and free opportunity to vote, and they can go to the American people in the fall elections and the American people may then be the judge. If I am not mistaken, if the majority go to the country on this bill, as they must if they pass it, the people will repudiate them, as they repudiated the Republican Party after the enactment of the Payne-Aldrich bill. And they should repudiate the Republican Party ten times over, because this bill is infinitely more objectionable than the Payne-Aldrich bill ever was in the rates which are levied in favor of the special interests and monopoly, and in the increased burdens which it attempts to place on the backs of the American people.

Mr. SMOOT. Mr. President, I do not want the Senator from Alabama to think that I have in any way charged him with filibustering. The Senator from Alabama has never done that since I have been in public life, and I never expect him to do it. When the Senator from Alabama discusses a question he does so in a fair, frank way; what he says, he means; what he says, he believes with all his heart. No one has ever been heard to criticize the Senator from Alabama, or even to intimate that he ever filibustered upon any kind of a bill. I desire to say that much for the Senator from Alabama.

Now, Mr. President, tears have almost been shed here at the thought of people being taxed on bismuth used as a medicine. It has been stated that in every prescription which is taken to a drug store to be filled will be found a reflex of this duty. Let us see how this works out. Bismuth is worth $2 a pound; a duty of 7½ per cent is equivalent to 15 cents a pound. Suppose there is 1 grain of bismuth in a prescription for which the purchaser pays 75 cents, although the cost of the entire prescription is not to exceed 10 cents. In other words, the purchaser is charged 75 cents for a prescription which costs 10 cents. Of that 10 cents, Mr. President, if it were made up entirely of the cost of the bismuth content, the duty proposed could not exceed one-thirteenth of 1 cent.

Does anyone believe that because of an increase of one-thirteenth of 1 cent in the cost of a prescription on which the druggist is making 750 per cent, representing the difference between 10 cents and 75 cents, the charge for the prescription is going to be 75 cents and one-thirteenth of a cent additional.

Mr. FLETCHER. The charge might be 80 cents.

Mr. SMOOT. No; the drug store would not charge 80 cents, as the Senator from Florida suggests, because it charges all it dares to charge now. So let us wipe off those tears for the person who is compelled to secure a prescription in which bismuth is an ingredient. What I have said concerning bismuth applies equally to nearly every other medicinal commodity that enters into prescriptions. We need shed no tears over the profits which will be made by the druggist, because he is making all he can to-day, particularly in the compounding of prescriptions.

Mr. FLETCHER. Mr. President——

The PRESIDING OFFICER (Mr. SUTHERLAND in the chair). Does the Senator from Utah yield to the Senator from Florida?

Mr. SMOOT. I was going to yield the floor, because I do not want to take any more of the time of the Senate.

Mr. FLETCHER. I was going to suggest that another important use for bismuth—perhaps the Senator is not so much interested in that as some other people may be—is in connection with cosmetics. What I can not understand is that in the act of 1909 the duty was 25 per cent ad valorem, and in the act of 1913 the duty was 10 per cent ad valorem. The House proposed a duty of 25 per cent ad valorem in this bill.

Mr. SMOOT. That is on the American valuation.

Mr. FLETCHER. The committee now proposes to make that 35 per cent ad valorem—in other words, a 25 per cent ad valorem increase over the duty of 1913—and the statistics show that the imports during 1914 amounted to 588 pounds, most of which came from Germany. The exports are not given, but under the duty of 10 per cent there were only 588 pounds brought into the country, and now you propose to make the duty of 35 per cent.

What is the object? You can not expect any revenue from it; that is certain. Then you must be levying this duty simply to benefit the people who are manufacturing the bismuth and to guarantee them a certain amount of profit.

Mr. SMOOT. The Senator is not speaking of metallic bismuth. The Senator is speaking of the salts of bismuth.

Mr. FLETCHER. Yes; I am speaking of this item in paragraph 20. You propose to change that.

Mr. SMOOT. That is the salts.

Mr. FLETCHER. Yes; mixtures of bismuth.

Mr. SMOOT. Yes. On the salts the House did have a duty of 25 per cent, but it was on the American valuation. The Senate say here that they will not increase the rates of duty of the House because of the fact of foreign valuation; but a duty of 7½ per cent was put upon metallic bismuth, and that is the reason why the Senate committee increased this rate of 25 per cent; and even now it is lower than the House, with free bismuth.

Mr. FLETCHER. Yes; but I am speaking of the act of 1913, where the rate was only 10 per cent ad valorem, and under that act only 588 pounds came in.

Mr. SMOOT. Yes. The Senator very likely voted for that duty, but at that time they had free metallic bismuth.

The PRESIDING OFFICER. The amendment will be stated.

The READING CLERK. On page 7, line 6, it is proposed to strike out the word "preparations" and the comma, and to insert the word "mixtures."

Mr. JONES of New Mexico. Mr. President——

Mr. UNDERWOOD. Mr. President, if the Senator before he starts in will allow me to say just one word, I have listened with much interest to what my friend from Utah has said with reference to the use of these compounds. Of course I realize that the ordinary drug store makes a pretty big profit, but it is based to a certain extent and a large extent on the cost of the medicine that comes into the shop. The Senator overlooks the fact that there is a great increase in the consumption of bismuth. It is almost necessary nowadays for all X-rays. For instance, if there is some doubt about whether a patient has an ulcer in the stomach, his intestines are pumped full of a

bismuth compound before the X-ray is applied. It is almost necessary to the life of the American people.

I said in the beginning that this was not a big item. I said that it was not going to break anybody. The only defense the Senator from Utah makes is that he says the American people will not have to pay the tax; that it will stop somewhere else. Some American person is going to pay the tax, because you are levying it; and what I say is this: I will talk about other items where the amount of the levy will be very much greater, where the burden on the American people will be very much greater, but if I talked about only one item in this bill what I said would be lost. If I am to make a speech that is going to impress the American people as to the adverse effect of this bill upon them, as I think it will be, from time to time I shall have to talk about a number of items.

I am not trying to delay the bill, but when I see a pertinent item I intend to call it to the attention of the Senate, hoping that my voice may go farther than the walls of the Senate Chamber, and this is just one. This is a very, very infinitesimal item; but, as I said in the beginning, the principle is here. The principle is absolutely clear—it rings like a bell—that the only purpose of increasing this tax is to levy it in the interest of some particular favored person, and let the rest of the people of the United States pay it.

Mr. SMOOT. Mr. President, I think the Senator is wrong in stating that this material is used in connection with the taking of X-ray photographs.

Mr. UNDERWOOD. That is my information.

Mr. SMOOT. Barium sulphate is used for that purpose.

Mr. UNDERWOOD. Also bismuth. It is a metallic substance. They have to use a metallic substance, and this is a metallic substance, and therefore they use it.

Mr. SMOOT. It may be possible, but I have never known it. I do know that they use barium sulphate for that purpose.

Mr. UNDERWOOD. Oh, I do not say this is the only thing they use, but this is one of the things they use largely.

Mr. JONES of New Mexico. Mr. President, I believe it will be enlightening for me to undertake to give some information. The information which the Senator from Utah gave did not appear to be very satisfactory, at least to me; but there is some evidence in this record which I think will clarify the situation, and, as briefly as possible, I want to call attention to it.

In the first place, I refer to the so-called Reynolds report.

Mr. SMOOT. What page?

Mr. JONES of New Mexico. Page 5. Senators will remember that a commission was appointed at considerable expense last fall to go out and ascertain the prices of these various commodities and get the comparative prices of domestic products and comparable imported products on all the items in the bill where an ad valorem duty was imposed. That commission went out, and they took up the subject of these compounds of bismuth, and they failed to find any of the imported product. They give the price here of the domestic product at $2 and $2.10 a pound, but they found no imported compounds of bismuth in the American market.

Bismuth has been on the free list under the Payne-Aldrich bill and under existing law; and, so far as I am advised, this is the first time in the history of our country when a duty has been imposed upon it, when a tax has been levied upon it which will be reflected in prices to the consumer.

There is some very enlightening testimony here. No doubt the Senator from Utah had this in his hand when he made his statement in response to my first query regarding the purposes of this item in the bill. I am going to read it, and I am going to read it all.

There are less than two pages of it. It comes from a very distinguished gentleman. I am satisfied that he is a truthful man. I am satisfied that he knew what he was talking about. He is known, perhaps, to every adult citizen of the United States. Therefore, what he says should carry great weight. It is the only testimony, so far as I know, which was submitted to the committee. Just when it was submitted I do not remember, but there are some earmarks here indicating that the figures which were presented were rather stale at the time they were presented. Nevertheless, we can get a good picture of just what this situation is.

I read the statement of William Loeb, jr., vice president of the American Smelting & Refining Co., New York City. Mr. Loeb said:

> Mr. Chairman and gentlemen of the committee, I appear before you this afternoon as spokesman for the producers of bismuth metal. It is free under paragraph 1523 of the House bill.
>
> The production of this metal in the United States in the year 1920 was 269,834 pounds. The imports were 72,771 pounds.

Mark you, without any duty, with a free opportunity to import, the importations in 1920 were 72,771 pounds, and the American production was 269,834 pounds.

Continuing:

> Direct comparison of present consumption in the United States is shown by figures which I am going to submit, with the exception that during the war smaller importations of bismuth were directly due to the consumption abroad for war purposes, and there seems to be no reason why importations should not again increase to pre-war figures.
>
> I have set forth in a table the production in the United States and the imports into the United States from 1912 to 1920, inclusive.

I call attention to the fact that the pre-war figures were just about twice what they were in 1920, according to Mr. Loeb's statement. He gives these figures of the United States production from 1912 down to and including 1920. He gives the importations from 1909 down to and including 1920, and I shall call attention to those figures a little later.

> Senator SMOOT. Those figures will be put in the record?
>
> Mr. LOEB. Yes; I can put them in the record.
>
> The United States producers are the American Smelting & Refining Co. and the United States Smelting, Refining & Mining Co. Those two concerns produce all the bismuth produced in this country and they can produce all that the United States consumes.

Referring again to the report of the Tariff Commission, these two concerns operate only in Utah, and evidently, while their names are a little different, it must be apparent that the same parties are interested in the two concerns. I may be mistaken about that; I am merely assuming it.

Mr. SMOOT. The Senator is wrong.

Mr. JONES of New Mexico. If I am wrong I am glad to have the Senator correct me. I have no doubt, however, that their business associations are very congenial.

Mr. SMOOT. I will say to the Senator that if they were congenial they would charge us a great deal more for smelting than they are charging. There is a fight there, and that is the only reason why we get a fair price.

Mr. JONES of New Mexico. It is a little interesting to me, to say the least, that one of them is called the American Smelting & Refining Co. and the other is called the United States Smelting, Refining & Mining Co.

Mr. SMOOT. It is because they have smelters in other parts of America.

Mr. JONES of New Mexico. Let that go; they are two organizations.

Mr. SMOOT. I do not know whether the Senator knows it or not, but the American Smelting & Refining Co. have smelters from New Jersey to California. I do not know where the United States Smelting Co. have their smelters, but all their smelters are not in Utah.

Mr. JONES of New Mexico. I am seeking to get information on the subject.

Mr. SMOOT. Then there is the International Smelting Co.

Mr. JONES of New Mexico. I read further from this statement of Mr. Loeb:

> As bismuth is produced in the United States entirely as a by-product, the cost of production depends upon the percentage of each operation which is charged against bismuth as compared with the other products recovered from the smelting operations. The cost of production can, therefore, only be stated approximately, as each company's figures are influenced by their accounting methods.

That is all that has been said regarding the cost of production, and the statement is necessarily true as to the cost of production of every by-product. Where you have different articles being produced by the same process, practically, it is, as Mr. Loeb says, just a matter of accounting as to how much you shall charge up as the cost of the by-product. It is a mere matter of accounting. You can not tell what it costs. It is just whatever the accountant sees fit to charge up against it in his books. Then he proceeds:

> The highest cost of production for the year 1920 was $2.14 per pound.

Of course, he does not tell us where he got that cost, whether that is the way his bookkeeper figured it at that time, or whether his bookkeeper would have been justified in figuring it some other way. He does not tell us whether that is a reasonable charge against that or not. He does not tell us how his smelters were operating in 1920. I do not know whether those smelters were busy throughout the year 1920 or not. I do not know what the overhead was that year. I do not know what the other output was, but according to his own statement, you can not tell what his costs are.

He proceeds, however, to make a very optimistic statement. He said:

> It is believed that this cost of production will be materially lowered during the latter part of 1921 and thereafter, and it is hoped to get the cost of production down to approximately $1 per pound.

That is where they hope to get it, and I wonder where the hope comes from. There can be only one source from which it comes, and that is his previous experience. Judging by his previous experience, a fair charge against this item as cost should be limited to a dollar a pound. He continues:

> The cost of production fixed by accounting in such an operation is always below the entire production cost from raw ore to finished metal.

That means that in this production, where you are charging up costs against by-products, you always charge up a less cost to a by-product than where you are making your business the production of the article as a primary product, a chief product.

So it is when you find a concern which is smelting ores for the primary purpose of getting by-products, according to its own statement, the cost must figure greater in such cases than where it is a mere by-product. I proceed with the reading:

This cost is in reality the necessary cost of the last operation of recovery. This is shown by the fact that where the price of the metal falls below the fixed production cost the smelters cease recovery of the metal, preferring to eliminate this item of cost even at the expense of loss of the metal.

Mr. SMOOT. That is what I stated.

Mr. JONES of New Mexico. That means that by their accounting system they can fix the point arbitrarily below which they will not proceed further.

Mr. SMOOT. The Senator is mistaken.

Mr. JONES of New Mexico. What I have read about the cost of the by-products becomes significant in connection with the paragraph which I am going to read now:

The cost of foreign production is unknown, but must be low due to the working of high-grade bismuth ores containing from 25 per cent to 70 per cent bismuth.

That is a little inconsistent with the statement which he had just previously made, that the high cost must come where the production of the commodity is the principal object of the action, but now he says that the cost must be relatively low because of the high percentage of bismuth which is recovered from the smelting of the ores in England. But I proceed—

These high-grade ores are found in Bolivia, China, and Australia, and are smelted in England.

Now we have that situation. England sends out to these different parts of the world for the ore, which only furnishes from 35 to 70 per cent of the metal they are trying to get. They must pay freight for bringing that ore from Bolivia, and from Bolivia to the coast they must pass over the mountains. The cost of transportation is high. The shipping cost from Bolivia to England all must be paid not only upon the metal but upon the ore. He says further:

When these figures were made up the market price was from $1.35 to $1.40 per pound. With the present high rate of exchange the price is about $1.55 to $1.60 per pound.

From that we can judge that when these figures were made up, when the English pound sterling had reached such a low level of value measured in gold, must have been back about 18 months ago, or two years ago, perhaps, in 1920, and these are the latest statistics which we have; but at that the bismuth was selling at $1.55 to $1.60 a pound. That is what they were getting for it. The wholesale price, according to the Reynolds report, was $2 to $2.10 a pound last August. I read further:

In view of the fact that bismuth is produced as a by-product only and is contained in substantial quantities in various lead ores, it is believed that the United States should conserve its raw-material assets by encouraging its smelters to recover this valuable by-product.

Of course, nobody likes to see waste in the world, but so far as the United States is concerned, I would like to know where the waste would be if the other commodity should be brought in here and sold to us cheaper than we can get it at home. As to the mere question of economic waste in the United States, Mr. Loeb is mistaken, in my judgment. He said:

There is every reason to believe that the domestic production can be increased to take care of the domestic consumption.

Not to provide protection which will assure the saving of this metal is to cause a triple economic loss: First, the loss to the industry; second, the loss to the Government in revenue; and, third, the irreplaceable loss of the metal itself.

I think we all agree that he is quite wise in enumerating those reasons in the order of their importance, and in stating that the important reason was the first—the loss to the industry. That is what he was looking after. That was the important feature—his loss, the loss to the industry, and, second, the loss to the Government in revenue. I agree with him that in this bill that is a secondary consideration.

Third. The irreplaceable loss of the metal itself.

So there it falls by the wayside as an important matter for consideration. That is the least important, this question of the waste. The next in importance is the loss of revenue to the Government, but the first consideration is the loss to the industry in which he is interested. He said further:

We ask for a specific duty of 25 cents per pound on refined bismuth metal in order to protect the American producers against the foreign low-cost producers. Bismuth salts and preparations are dutiable at 25 per cent ad valorem against former protection of 10 per cent ad valorem. We suggest that the duty on bismuth salts and other preparations be changed to 20 cents per pound, plus 25 per cent ad valorem, from the fact that 0.8 of a pound of bismuth is used in manufacturing 1 pound of the usual bismuth salt; hence, 0.8 of 25 cents per pound would be 20 cents per pound additional protection for 1 pound of bismuth salts.

Then he gives the list of the United States production for those years, and the imports, which I ask may be inserted in the RECORD as a part of my remarks without reading.

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

The table is as follows:

United States production.

	Pounds.		Pounds.
1912	122,080	1918	266,499
1913	213,554	1919	342,749
1914	251,481	1920	269,834
1915	316,716		
1916	245,667	Total	2,346,767
1917	318,187		

Imports.

	Pounds.		Pounds.
1909	176,729	1916	64,000
1910	200,000	1917	88,000
1911	178,000	1918	85,000
1912	166,000	1919	76,000
1913	151,000	1920	72,771
1914	133,000		
1915	34,000	Total	1,424,500

Mr. JONES of New Mexico. Now, I want to apply that information to what the committee has done. It decided to put a duty of 7½ per cent upon the metallic bismuth. The production of bismuth during 1920 was 269,834 pounds. At $1.60 a pound, 7½ per cent would be 12 cents for each pound of production. Remember, there are only 2 concerns producing this bismuth. It is produced as a by-product, and this means a gift to them of 12 cents a pound upon that product.

Now, let us see what the committee has done for those who make compounds of bismuth. It increased the duty. The House has a rate of 25 per cent upon compounds of bismuth. The price of that in the market is $2 per pound. Now, what does the committee do? It raises the rate of duty from 25 to 35 per cent, a difference of 10 per cent, as compensatory duty for the 7½ per cent levied upon bismuth, far greater than any compensation which would be necessary if it gave them the benefit of the whole duty levied upon the metallic bismuth. Bismuth at the present time is on the free list.

Mr. SMOOT. Mr. President, the Senator surely wants to be correct, but I do not know that it is worth while even for me to interrupt. When Mr. Loeb testified, it was on the basis of the American valuation of 25 per cent and he expected 10 per cent to be added to the American valuation. The committee did not add it. The committee changed it to the foreign valuation and only increased it 10 per cent. The Senator knows what that meant. If the Senator says Mr. Loeb is an honorable gentleman, and everybody in the United States knew him, and he wants to take his testimony in the case and abide by it, I think the Senator ought to know that that is the situation. That is what Mr. Loeb expected at the time, as almost all those who testified before the committee expected. When the Senator says this is an increase over what he asked, he knows there is a decrease as a matter of fact.

Mr. JONES of New Mexico. I would like further to understand what the Senator from Utah is trying to make out of his suggestion. All that I was seeking to make out of it was the disparity between the two rates. Whether the two rates are based upon one valuation or the other, the relative difference would remain the same. So, as I take it, it makes no difference, only if you put it upon the American valuation the relative difference would be much greater, so it would be worse under the American valuation plan.

Mr. SMOOT. The Senator's figures should just be reversed.

Mr. JONES of New Mexico. Not at all.

Mr. SMOOT. Oh, yes; they should.

Mr. McCUMBER. Mr. President, will the Senator yield to me that I may make a request?

Mr. JONES of New Mexico. Certainly.

Mr. McCUMBER. I ask unanimous consent that when we close our session for to-day we shall take a recess until to-morrow at 11 o'clock?

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

Mr. McKELLAR. May I ask the Senator if we are going to have any other vote to-night? We have been in session now over 11 hours and it seems to me——

Mr. McCUMBER. I hope we shall have a vote on this item to-night. Then I shall be ready to move to take a recess.

Mr. JONES of New Mexico. Mr. President, I believe that is all I have to say. I think it now appears in the RECORD just what this means. If Senators with this information before them desire to raise these rates, I want them to take that responsibility with full knowledge. I do not want any Senator to be able to say hereafter that he merely accepted whatever the committee suggested, that he had to rely upon the committee

because he did not have the information himself. I have taken this course to-night deliberately for that purpose and for that purpose only. I want to put the responsibility where it belongs, and I do not want Senators to hide behind the cloak of a committee. I want them to understand just the thing which they are voting when they vote on this item.

This particular item is based upon taking from the free list an article which is used as medicine and imposing a higher duty upon the compound because of this new duty, this new tariff upon metallic bismuth, which has been free in all of the past history of the country. Here is something new. No one has suggested before that this mere by-product of a smelter in Salt Lake City, Utah, which now demands for the first time a tax upon this medicine, should be taken off the free list. I want Senators to vote knowingly, so that each individual must take his individual responsibility. It amounts simply to a gift to two smelting companies of the country. It will not bring any more revenue, because by doing this they undertake to shut out the product. If they do not shut it out, how have they been benefited? On the basis of the present importations, it would amount to a revenue of $7,000 a year, but gives to these two smelting companies $27,000 a year. That is what it amounts to.

Mr. President, with these few remarks I am ready to take a vote.

Mr. McCUMBER. The first vote, I assume, is upon the question of striking out the word "preparations" and inserting in lieu thereof the word "mixtures." I suppose there is no objection to that amendment.

Mr. JONES of New Mexico. On that question the Senator from North Dakota is quite right. There is no reason why a request for the yeas and nays should be made there.

Mr. KING. The Senator from New Mexico accepts that pro forma?

Mr. JONES of New Mexico. Yes; I accept it pro forma. The next amendment is where the change is made from 25 to 35 per cent, and I think I shall move to insert, instead of 25 per cent——

The PRESIDING OFFICER. We have not reached that yet. The question is first upon the committee amendment striking out the word "preparations" and inserting in lieu thereof the word "mixtures."

The amendment was agreed to.

The READING CLERK. The next amendment is on page 7, line 7, to strike out 25 and insert 35 before the words "per centum," so as to make the paragraph read:

Chemical compounds, salts and mixtures of bismuth, 35 per centum ad valorem.

Mr. JONES of New Mexico. Mr. President, I think that I shall not offer any substitute, but shall vote against the increase from 25 to 35 per cent. It is true the House put in 25 per cent in view of what it thought would be the American valuation plan, but it just happens that the 25 per cent on the foreign valuation basis is the present duty upon that product. So I shall content myself with voting against the Senate committee amendment.

Upon the amendment, however, I ask for the yeas and nays.

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

Mr. FRELINGHUYSEN (when his name was called). I transfer my pair with the Senator from Montana [Mr. WALSH] to the junior Senator from Oregon [Mr. STANFIELD] and vote "yea."

Mr. HARRISON (when his name was called). I transfer my general pair with the Senator from West Virginia [Mr. ELKINS] to the junior Senator from Rhode Island [Mr. GERRY] and vote "nay."

Mr. KELLOGG (when his name was called). I transfer my pair with the Senator from North Carolina [Mr. SIMMONS] to the junior Senator from Delaware [Mr. DU PONT] and vote "yea."

Mr. McKELLAR (when his name was called). Making the same announcement as before with reference to my pair and transfer, I vote "nay."

Mr. McKINLEY (when his name was called). Making the same announcement as before regarding my pair and its transfer, I vote "yea."

Mr. MYERS (when his name was called). I have a pair with the Senator from Connecticut [Mr. McLEAN]. I transfer that pair to the Senator from Ohio [Mr. POMERENE] and vote "nay."

Mr. WARREN (when his name was called). I transfer my general pair with the junior Senator from North Carolina [Mr. OVERMAN] to the junior Senator from Pennsylvania [Mr. PEPPER] and vote "yea."

Mr. WATSON of Indiana (when his name was called). Making the same announcement as hitherto concerning my pair and its transfer, I vote "yea."

The roll call was concluded.

Mr. CURTIS (after having voted in the affirmative). I have a pair on this vote with the Senator from Wisconsin [Mr. LA FOLLETTE]. If he were present, he would vote "nay." If I were at liberty to vote, I would vote "yea." Being unable to obtain a transfer, I withdraw my vote, but desire to be counted for a quorum.

I announce the following pairs:

The Senator from Arizona [Mr. CAMERON] with the Senator from Georgia [Mr. WATSON];

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

The Senator from South Dakota [Mr. STERLING] with the Senator from South Carolina [Mr. SMITH];

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

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

Mr. UNDERWOOD (after having voted in the negative). I understand that the senior Senator from Massachusetts [Mr. LODGE], with whom I have a general pair, has not voted. I transfer that pair to the senior Senator from Nevada [Mr. PITTMAN] and allow my vote to stand.

Mr. STANLEY. I have a general pair with the junior Senator from Kentucky [Mr. ERNST]. I transfer that pair to the senior Senator from Texas [Mr. CULBERSON] and vote "nay."

Mr. JONES of New Mexico (after having voted in the negative). I desire to make the announcement as to my pair and its transfer which I have previously made this evening and allow my vote to stand.

The result was announced—yeas 33, nays 16, not voting 47, as follows:

YEAS—33.

Ball	Jones, Wash.	Newberry	Sutherland
Brandegee	Kellogg	Norbeck	Townsend
Broussard	Kendrick	Oddie	Wadsworth
Calder	Keyes	Page	Warren
Capper	Lenroot	Phipps	Watson, Ind.
France	McCormick	Rawson	Willis
Frelinghuysen	McCumber	Shortridge	
Gooding	McKinley	Smoot	
Hale	McNary	Spencer	

NAYS—16.

Ashurst	Harrison	King	Sheppard
Dial	Heflin	McKellar	Stanley
Fletcher	Hitchcock	Myers	Swanson
Harris	Jones, N. Mex.	Robinson	Underwood

NOT VOTING—47.

Borah	Elkins	Nelson	Shields
Bursum	Ernst	New	Simmons
Cameron	Fernald	Nicholson	Smith
Caraway	Gerry	Norris	Stanfield
Colt	Glass	Overman	Sterling
Crow	Harreld	Owen	Trammell
Culberson	Johnson	Pepper	Walsh, Mass.
Cummins	Ladd	Pittman	Walsh, Mont.
Curtis	La Follette	Poindexter	Watson, Ga.
Dillingham	Lodge	Pomerene	Weller
du Pont	McLean	Ransdell	Williams
Edge	Moses	Reed	

So the committee amendment was agreed to.

EXECUTIVE SESSION.

Mr. McCUMBER. 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; and (at 10 o'clock and 25 minutes p. m.) the Senate, under the order previously made, took a recess until to-morrow, Friday, May 12, 1922, at 11 o'clock a. m.

NOMINATIONS.

Executive nominations received by the Senate May 11 (legislative day of April 20), 1922.

MEMBER OF THE FEDERAL FARM LOAN BOARD.

Robert A. Cooper, of South Carolina, to be a member of the Federal Farm Loan Board, vice Asbury F. Lever, resigned.

COMMISSIONER OF FISH AND FISHERIES.

Henry O'Malley, of Washington, to be Commissioner of Fish and Fisheries, vice Hugh M. Smith, resigned.

APPRAISER OF MERCHANDISE.

George M. Jameson, of Pittsburgh, Pa., to be appraiser of merchandise in customs collection district No. 12, with headquarters at Pittsburgh, Pa., to fill an existing vacancy.

SURVEYOR OF CUSTOMS.

J. Howard Reed, of Hollidaysburg, Pa., to be surveyor of customs in customs collection district No. 11, with headquarters at Philadelphia, Pa., in place of Charles R. Kurtz, resigned.

APPOINTMENT, BY TRANSFER, IN THE REGULAR ARMY.

AIR SERVICE.

Capt. Richard Henry Ballard, Cavalry, with rank from July 1, 1920.

REAPPOINTMENT IN THE REGULAR ARMY.

Maj. Gen. Frank Winston Coe, Chief of Coast Artillery, to be Chief of Coast Artillery, with rank of major general, for the period of four years beginning May 24, 1922, with rank from May 24, 1918. His present appointment will expire May 23, 1922.

PROMOTIONS IN THE NAVY.

Lieut. Commander Claude B. Mayo to be a commander in the Navy from the 31st day of December, 1921.

Lieut. Commander Henry K. Hewitt to be a commander in the Navy from the 2d day of March, 1922.

Lieut. Commander Felix X. Gygax to be a commander in the Navy from the 19th day of April, 1922.

The following-named lieutenants to be lieutenant commanders in the Navy from the 3d day of June, 1921:

Ernest J. Blankenship.

Alfred Y. Lanphier.

Lieut. Oliver M. Read, jr., to be a lieutenant commander in the Navy from the 28th day of March, 1922.

The following-named lieutenants (junior grade) to be lieutenants in the Navy from the 1st day of July, 1920:

John A. Terhune.

Leonard Doughty, jr.

Willis M. Percifield.

Ensign Willis M. Percifield to be a lieutenant (junior grade) in the Navy from the 29th day of June, 1920.

Lieut. John B. Cooke for temporary service to be a lieutenant (junior grade) in the Navy from the 1st day of July, 1920, in accordance with a provision contained in the act of Congress approved June 4, 1920.

The following-named ensigns to be lieutenants (junior grade) in the Navy from the 1st day of July, 1920:

Julian B. Noble.

Charles E. Coney.

Surg. Charles E. Ryder to be a medical inspector in the Navy, with the rank of commander, from the 10th day of November, 1921.

Asst. Surg. Frederic L. Conklin to be a passed assistant surgeon in the Navy, with the rank of lieutenant, from the 22d day of April, 1918.

Asst. Surg. James Humbert to be a passed assistant surgeon in the Navy, with the rank of lieutenant, from the 1st day of January, 1921.

The following-named passed assistant paymasters to be paymasters in the Navy, with the rank of lieutenant commander, from the 21st day of October, 1921:

Harry T. Sandlin.

Stanley M. Mathes.

John D. P. Hodapp.

Asst. Paymaster Charls G. Holland to be a passed assistant paymaster in the Navy, with the rank of lieutenant, from the 30th day of July, 1919.

Asst. Paymaster John O. Wood to be a passed assistant paymaster in the Navy, with the rank of lieutenant, from the 1st day of July, 1920.

The following-named assistant naval constructors to be naval constructors in the Navy, with the rank of lieutenant commander, from the 21st day of April, 1922:

Walter W. Webster.

Beirne S. Bullard.

Ernest L. Patch.

The following-named machinists to be chief machinists in the Navy, to rank with but after ensign, from the 28th day of December, 1920:

George J. Blessing.

Bennett M. Proctor.

Machinist Chauncey R. Doll to be a chief machinist in the Navy, to rank with but after ensign, from the 19th day of January, 1921.

The following-named machinists to be chief machinists in the Navy, to rank with but after ensign, from the 30th day of November, 1921:

Carl S. Chapman.
Andrew C. Skinner.
John C. Richards.
William W. Wilkins.
Benjamin F. Maddox.
Frank W. Yurasko.

Machinist John J. Enders to be a chief machinist in the Navy, to rank with but after ensign, from the 8th day of March, 1922.

Lieut. (Junior Grade) Carl K. Martin to be a lieutenant in the Navy from the 8th day of June, 1918.

Ensign Alonzo B. Alexander to be a lieutenant (junior grade) in the Navy from the 1st day of July, 1920.

The following-named passed assistant paymasters to be paymasters in the Navy, with the rank of lieutenant commander, from the 21st day of October, 1921:

Arthur H. Eddins.

Charles C. Copp.

Asst. Paymaster William A. Best to be a passed assistant paymaster in the Navy, with the rank of lieutenant, from the 1st day of July, 1920.

POSTMASTERS.

ALABAMA.

William C. Starke to be postmaster at Troy, Ala., in place of Emory Folmar, declined.

FLORIDA.

Clement C. Ausherman to be postmaster at Fort Lauderdale, Fla., in place of S. M. Craig. Incumbent's commission expired August 26, 1920.

Jennie L. Cooley to be postmaster at Lynn Haven, Fla., in place of I. F. Titus. Incumbent's commission expired April 1, 1922.

GEORGIA.

Ibbie G. Pearce to be postmaster at Sumner, Ga. Office became presidential July 1, 1920.

ILLINOIS.

Henry Snow to be postmaster at Maquon, Ill. Office became presidential January 1, 1921.

INDIANA.

Herbert A. Milburn to be postmaster at Patoka, Ind. Office became presidential April 1, 1922.

KANSAS.

Anna L. January to be postmaster at Osawatomie, Kans., in place of M. V. Dunlap. Incumbent's commission expired February 4, 1922.

KENTUCKY.

Harvey H. Pherigo to be postmaster at Clay City, Ky. Office became presidential July 1, 1921.

John P. Vanzant to be postmaster at Edmonton, Ky. Office became presidential January 1, 1921.

Zephaniah Harrel to be postmaster at Rockport, Ky. Office became presidential July 1, 1921.

Robert L. Jones to be postmaster at Morganfield, Ky., in place of F. B. Brown. Incumbent's commission expired July 12, 1920.

LOUISIANA.

Levi P. Carter to be postmaster at Bunkie, La., in place of Ewell West. Incumbent's commission expired September 1, 1920.

MASSACHUSETTS.

Luke W. Hemmenway to be postmaster at Bryantville, Mass. Office became presidential April 1, 1922.

Cleon F. Forbes to be postmaster at Stoughton, Mass., in place of C. T. Farrell, resigned.

MICHIGAN.

Florence C. Curtis to be postmaster at Whittemore, Mich. Office became presidential January 1, 1921.

William Wolz to be postmaster at Three Oaks, Mich., in place of G. F. Carrier. Incumbent's commission expired January 24, 1922.

MINNESOTA.

Charles A. Allen to be postmaster at Milaca, Minn., in place of C. A. Allen. Incumbent's commission expired July 24, 1920.

MISSOURI.

Flavius A. Rumbuhl to be postmaster at Leslie, Mo. Office became presidential April 1, 1922.

Walter S. Johnston to be postmaster at Crocker, Mo., in place of W. D. Johnson. Incumbent's commission expired January 24, 1922.

NEW HAMPSHIRE.

Ervin W. Hodsdon to be postmaster at Center Ossipee (late Mountainview), N. H., in place of E. W. Hodsdon. Name of office changed.

NEW JERSEY.

Frank E. Smith to be postmaster at Ridgefield Park, N. J. Office became presidential October 1, 1921.

NEW MEXICO.

Harran H. De Lozier to be postmaster at Texico, N. Mex., in place of S. C. Hunter, resigned.

NORTH DAKOTA.

Fred Fercho to be postmaster at Lehr, N. Dak. Office became presidential January 1, 1921.

OHIO.

Albert D. Owen to be postmaster at Austinburg, Ohio. Office became presidential April 1, 1922.

Edgar R. Holmes to be postmaster at Millersport, Ohio. Office became presidential April 1, 1922.

OKLAHOMA.

Nellie E. Vincent to be postmaster at Mutual, Okla. Office became presidential April 1, 1922.

PENNSYLVANIA.

John C. Wilson to be postmaster at Mercersburg, Pa., in place of H. B. Krebs. Incumbent's commission expired February 4, 1922.

SOUTH CAROLINA.

Paul F. W. Waller to be postmaster at Myers, S. C. Office became presidential January 1, 1922.

TEXAS.

R. Kyle Cross to be postmaster at Cumby, Tex., in place of W. B. Junell. Incumbent's commission expired January 24, 1922.

Richard T. Polk to be postmaster at Killeen, Tex., in place of R. D. Tankerley, resigned.

VERMONT.

Marion C. White to be postmaster at Cavendish, Vt. Office became presidential April 1, 1922.

VIRGINIA.

Bertha Thompson to be postmaster at Ferrum, Va. Office became presidential January 1, 1921.

WISCONSIN.

Ellen E. Hamburg to be postmaster at Winegar, Wis. Office became presidential April 1, 1922.

Maud E. Johnston to be postmaster at Spencer, Wis., in place of Helen Pickett, declined.

CONFIRMATIONS.

Executive nominations confirmed by the Senate May 11 (legislative day of April 20), 1922.

RECEIVER OF PUBLIC MONEYS.

Hayward H. Schwoob to be receiver of public moneys at Lander, Wyo.

POSTMASTERS.

FLORIDA.

William W. Zipperer, Jennings.
Charles S. Williams, Key West.
Warren J. Armstrong, Valparaiso.
Leland M. Chubb, Winter Park.

ILLINOIS.

Harker Miley, Harrisburg.
Cyril E. Reed, London Mills.
Richard A. Full, Roanoke.

MASSACHUSETTS.

Myrtice S. King, Upton.

MISSISSIPPI.

George H. Flowers, Kilmichael.
Raymond H. Fairhurst, Lake.
Fred J. McDonnell, Okolona.
Charles W. Boen, Wiggins.

NEBRASKA.

Oscar L. Lindgren, Bladen.
Earl C. Rickel, Edgar.

NEW JERSEY.

Harry M. Riddle, Asbury.
Frederick W. Travis, Fair Haven.
Joseph G. Endres, Seaside Heights.

NEW YORK.

Clarence A. E. Churchill, Ellicottville.
Susie E. Garrison, Wingdale.

RHODE ISLAND.

Mary I. Cummiskey, Crompton.

VIRGINIA.

W. Ingles Harnsberger, Grottoes.
William E. Hudson, Monroe.
William G. O'Brien, Tazewell.

HOUSE OF REPRESENTATIVES.

THURSDAY, *May 11, 1922.*

The House met at 12 o'clock noon.

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

As the mountains are round about the Eternal City, so the Lord is with us, and we stand in His eternal ways. Thy mercy is a wide-open gate. Here we would breathe our thanksgiving and confess our sins. When the pool is bitter, the healing tree is nigh; in the desert-wilderness there are the gushing streams from the broken rock! O sustain us in our effort to live in the upper liberties, where are heard the tones of peace and personal satisfaction. May we express our gratitude in daily trust, in sacrificial service, and in continual beneficent industry. For Thy name's sake we ask. Amen.

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

SPEAKER PRO TEMPORE.

The SPEAKER. The Speaker expects to be away to-morrow and possibly one or two further legislative days, and designates the gentleman from Massachusetts [Mr. WALSH] to act as Speaker pro tempore during his absence.

READJUSTMENT OF THE PAY OF THE ARMY, NAVY, ETC.

Mr. McKENZIE. 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. 10972.

The question was taken, and the Speaker announced the ayes had it.

Mr. CLOUSE. Mr. Speaker, I was on my feet, and I suggest the absence of a quorum. There should be a quorum here, I think, when this motion is put.

Mr. GARRETT of Tennessee. Mr. Speaker, the House divided?

The SPEAKER. Yes; the Chair announced the result, but the gentleman from Indiana makes the point of order that there is no quorum present or voting. The Chair thinks there is no quorum present or voting. 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 283, nays 0, answered "present" 1, not voting 146, as follows:

YEAS—283.

Ackerman	Collier	Hadley	Lazaro
Almon	Colton	Hammer	Lea, Calif.
Andrew, Mass.	Connally, Tex.	Hardy, Colo.	Leatherwood
Andrews, Nebr.	Cooper, Ohio	Harrison	Lee, Ga.
Appleby	Cooper, Wis.	Haugen	Lee, N. Y.
Arentz	Cramton	Hawes	Lehlbach
Aswell	Crisp	Hawley	Lineberger
Bacharach	Crowther	Hayden	Linthicum
Barbour	Cullen	Hays	London
Barkley	Curry	Henry	Lowrey
Begg	Dallinger	Hersey	Luce
Bell	Deal	Hickey	Luhring
Benham	Denison	Hicks	Lyon
Bird	Doughton	Hill	McClintic
Black	Dowell	Himes	McCormick
Blakeney	Drewry	Hogan	McDuffie
Bland, Ind.	Driver	Hooker	McKenzie
Bland, Va.	Dunbar	Huddleston	McLaughlin, Mich.
Bond	Dunn	Hukriede	McLaughlin, Nebr.
Bowers	Dupré	Hull	McSwain
Bowling	Echols	Husted	Madden
Box	Elliott	Jacoway	Magee
Brennan	Evans	Jeffers, Ala.	Mapes
Briggs	Fairchild	Johnson, Ky.	Merritt
Brooks, Ill.	Fairfield	Johnson, Miss.	Michener
Brown, Tenn.	Faust	Johnson, Wash.	Miller
Buchanan	Favrot	Jones, Tex.	Mills
Bulwinkle	Fenn	Keller	Millspaugh
Burroughs	Fisher	Kennedy	Mondell
Burtness	Fitzgerald	Ketcham	Montoya
Burton	Focht	Kincheloe	Moore, Ill.
Byrnes, S. C.	Fordney	King	Moore, Ohio
Byrns, Tenn.	Freeman	Kinkaid	Moore, Va.
Cable	French	Kirkpatrick	Moores, Ind.
Campbell, Kans.	Fuller	Kissel	Morin
Cannon	Fulmer	Kline, N. Y.	Murphy
Cantrill	Funk	Kline, Pa.	Nelson, Me.
Carew	Gahn	Knight	Nelson, A. P.
Carter	Gallivan	Knutson	Nelson, J. M.
Chalmers	Garner	Kopp	Newton, Minn.
Chandler, N. Y.	Garrett, Tenn.	Kraus	Norton
Chandler, Okla.	Garrett, Tex.	Kreider	O'Brien
Chindblom	Gensman	Lampert	Ogden
Christopherson	Gernerd	Lanham	Oldfield
Clague	Glynn	Lankford	Oliver
Clarke, N. Y.	Goodykoontz	Larsen, Ga.	Overstreet
Clouse	Greene, Mass.	Larson, Minn.	Padgett
Codd	Greene, Vt.	Lawrence	Park, Ga.
Cole, Iowa	Griffin	Layton	Parker, N. J.

Parker, N. Y.	Rose	Stoll	Voigt
Parks, Ark.	Rossdale	Strong, Kans.	Volk
Patterson, Mo.	Rouse	Summers, Wash.	Volstead
Perkins	Rucker	Sumners, Tex.	Walsh
Petersen	Sanders, N. Y.	Swank	Wason
Pringey	Sanders, Tex.	Sweet	Watson
Purnell	Sandlin	Tague	Weaver
Quinn	Schall	Temple	Wheeler
Rainey, Ill.	Scott, Mich.	Ten Eyck	White, Kans.
Raker	Scott, Tenn.	Thomas	White, Me.
Ramseyer	Shaw	Tillman	Williams
Rankin	Shelton	Timberlake	Williamson
Rayburn	Sinclair	Tincher	Wilson
Reece	Sinnott	Tinkham	Wise
Reed, W. Va.	Sisson	Towner	Woodruff
Rhodes	Smith, Idaho	Treadway	Woods, Va.
Ricketts	Sproul	Tucker	Wright
Riordan	Stafford	Tyson	Wyant
Robertson	Steagall	Upshaw	Yates
Robsion	Stedman	Vaile	Young
Rodenberg	Steenerson	Vestal	Zihlman
Rogers	Stephens	Vinson	

ANSWERED "PRESENT"—1.

Michaelson

NOT VOTING—146.

Anderson	Edmonds	Kunz	Rosenbloom
Ansorge	Ellis	Langley	Ryan
Anthony	Fess	Little	Sabath
Atkeson	Fields	Logan	Sanders, Ind.
Bankhead	Fish	Longworth	Sears
Beck	Foster	McArthur	Shreve
Beedy	Frear	McFadden	Siegel
Bixler	Free	McLoughlin, Pa.	Slemp
Blanton	Frothingham	McPherson	Smith, Mich.
Boies	Gilbert	MacGregor	Smithwick
Brand	Goldsborough	Maloney	Snell
Britten	Gorman	Mann	Snyder
Brooks, Pa.	Gould	Mansfield	Speaks
Browne, Wis.	Graham, Ill.	Martin	Stevenson
Burdick	Graham, Pa.	Mead	Stiness
Burke	Green, Iowa	Montague	Strong, Pa.
Butler	Griest	Morgan	Sullivan
Campbell, Pa.	Hardy, Tex.	Mott	Sweet
Clark, Fla.	Herrick	Mudd	Taylor, Ark.
Classon	Hoch	Newton, Mo.	Taylor, Colo.
Cockran	Hudspeth	Nolan	Taylor, N. J.
Cole, Ohio	Humphreys	O'Connor	Taylor, Tenn.
Collins	Hutchinson	Olpp	Thompson
Connell	Ireland	Osborne	Tilson
Connolly, Pa.	James	Paige	Underhill
Copley	Jefferis, Nebr.	Patterson, N. J.	Vare
Coughlin	Johnson, S. Dak.	Perlman	Walters
Crago	Jones, Pa.	Porter	Ward, N. Y.
Dale	Kahn	Pou	Ward, N. C.
Darrow	Kearns	Radcliffe	Webster
Davis, Minn.	Kelley, Mich.	Rainey, Ala.	Wingo
Davis, Tenn.	Kelly, Pa.	Ransley	Winslow
Dempsey	Kendall	Reavis	Wood, Ind.
Dickinson	Kiess	Reber	Woodyard
Dominick	Kindred	Reed, N. Y.	Wurzbach
Drane	Kitchin	Riddick	
Dyer	Kleczka	Roach	

So the motion was agreed to.

The Clerk announced the following pairs:

Until further notice:

Mr. Maloney with Mr. Stevenson.
Mr. Atkeson with Mr. Cockran.
Mr. McPherson with Mr. Kunz.
Mr. Kiess with Mr. Martin.
Mr. Michaelson with Mr. Fields.
Mr. Sanders of Indiana with Mr. Logan.
Mr. Butler with Mr. Sullivan.
Mr. Coughlin with Mr. O'Connor.
Mr. Osborne with Mr. Brand.
Mr. Boies with Mr. Taylor of Colorado.
Mr. Graham of Pennsylvania with Mr. Sears.
Mr. Connell with Mr. Mead.
Mr. Kearns with Mr. Ward of North Carolina.
Mr. Newton of Missouri with Mr. Bankhead.
Mr. Shreve with Mr. Collins.
Mr. Snell with Mr. Goldsborough.
Mr. McArthur with Mr. Campbell of Pennsylvania.
Mr. Smith of Michigan with Mr. Wingo.
Mr. Wurzbach with Mr. Dominick.
Mr. Perlman with Mr. Kitchin.
Mr. Gorman with Mr. Sabath.
Mr. Dickinson with Mr. Kindred.
Mr. Winslow with Mr. Drane.
Mr. Bixler with Mr. Mansfield.
Mr. Kendall with Mr. Davis of Tennessee.
Mr. Patterson of New Jersey with Mr. Hardy of Texas.
Mr. Langley with Mr. Clark of Florida.
Mr. Davis of Minnesota with Mr. Humphreys.
Mr. Beedy with Mr. Gilbert.
Mr. Stiness with Mr. Taylor of Arkansas.
Mr. Reed of New York with Mr. Pou.
Mr. Darrow with Mr. Smithwick.
Mr. Roach with Mr. Blanton.
Mr. Browne of Wisconsin with Mr. Rainey of Alabama.
Mr. Kleczka with Mr. Hudspeth.
Mr. Strong of Pennsylvania with Mr. Montague.

The result of the vote was announced as above recorded.

The SPEAKER. A quorum is present. The Doorkeeper will open the doors.

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. 10972, with Mr. TOWNER 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. 10972, which the Clerk will report by title.

The Clerk read as follows:

A bill (H. R. 10972) to readjust the pay and allowances of the commissioned and enlisted personnel of the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service.

The CHAIRMAN. At the close of the consideration of this bill on a previous day the first section had been read. It is now open for amendment.

Mr. OLIVER. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from Alabama offers an amendment, which the Clerk will report.

The Clerk read as follows:

Strike out the period and insert, on page 5, line 22, after the figures "$5,750," the following:

"*Provided*, That nothing in this section or in any other section of this bill shall authorize the retired pay for a colonel in the Army, captain in the Navy, or corresponding grades to exceed $3,750 per annum; of a lieutenant colonel in the Army, commander in the Navy, or corresponding grades, to exceed $3,375 per annum; of a major in the Army, lieutenant commander in the Navy, or corresponding grades or of any officer below the grade of major in the Army, or lieutenant commander in the Navy, or corresponding grades, to exceed $3,000 per annum."

Mr. OLIVER. Mr. Chairman, I wish to call the attention of the gentleman from Illinois [Mr. MCKENZIE] to the pending amendment, and I hope he will accept it. It seeks to continue as the maximum retirement pay the amounts now fixed by existing law, to wit, $3,750 for a colonel, $3,375 for a lieutenant colonel, and $3,000 for a major, and officers of corresponding grades in the other services. May I ask whether the gentleman has serious objection to it?

Mr. BYRNES of South Carolina. Will the gentleman yield?

Mr. OLIVER. Yes.

Mr. BYRNES of South Carolina. The purpose of the gentleman's amendment is to provide that there shall be no increase in the compensation of the officer who is now retired.

Mr. OLIVER. Or who may hereafter be retired.

Mr. BYRNES of South Carolina. Or who is to be retired hereafter?

Mr. OLIVER. Yes; the amendment simply undertakes to fix as a maximum retired pay for officers below the grade of brigadier general the maximum retired pay now allowed by law. It has relation only to retired pay, and in no way affects the pay or compensation of an officer while on active service.

Mr. BYRNES of South Carolina. I am not speaking for anybody else, and my personal view is the same as his as to those on the retired list. It should remain as it is. As to the future, I disagree with the gentleman.

Mr. NEWTON of Minnesota. It applies not only to those on the retired list but also to those who are to be retired in the future?

Mr. OLIVER. Yes. I question whether the House desires to give increased retired pay to officers at this time. This amendment fully protects the officer as to retired pay now allowed under existing law, and in no way takes from or diminishes his pay or compensation while in active service, and the amendment as drawn will not affect any increase in pay proposed by the pending bill for an officer on active service. When you recall that a large number of officers now in the service have to their credit service which heretofore has counted for longevity pay only, and when you further recall that under existing law a limitation of $1,000 is fixed on the amount of longevity pay for colonels, lieutenant colonels, and majors and officers of corresponding grades, and that under existing law longevity pay is limited to 40 per cent, whereas under this bill the longevity pay is increased to 50 per cent and the limitation of $1,000 removed, I think the House will deem it proper to limit the retired pay to the amounts now fixed by law. Unless a limitation is fixed the maximum retired pay of a colonel will be increased $750, that of a lieutenant colonel, $937.50; and that of a major, $937.50. This will occur on account of the removal of the limitation of $1,000 on longevity pay and the increased per cent from 40 to 50, and because the pending bill undertakes to give to service a further and different purpose from that it has served in the past, to wit: Instead of being counted for longevity pay only, under the terms of this bill, it will hereafter serve to

advance officers now in the service to a pay period higher than the one corresponding to the grade in which they hold commissions.

Under existing law captains of the Navy are retired at the age of 56, if not promoted, commanders at 50, and lieutenant commanders at 45.

The CHAIRMAN. The time of the gentleman has expired.

Mr. OLIVER. Mr. Chairman, I ask unanimous consent for five minutes more.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent for five minutes more. Without objection, it is so ordered.

There was no objection.

Mr. OLIVER. Under the pending bill longevity pay is increased from 40 to 50 per cent and the limitation of $1,000 on longevity pay removed, and service, other than commissioned service, can be claimed by the officers now holding commissions for advancement to higher base pay, thereby increasing their base pay $500.

An examination of Table 1 attached to the minority report will show that there are many officers in the grade of colonel, a limited number in the grades of lieutenant colonel and major, and of corresponding grades who will, by reason of the changes proposed in existing law by the pending bill, be entitled to the maximum increase of retired pay, to wit: For colonels, $750; lieutenant colonels, $937.50; and majors, $937.50. Now, the highest retired pay for a civilian employee is $720, and you would, by this bill, unless this amendment is adopted, give to officers now in the service under the grade of brigadier general an increase in retired pay larger than the total amount of the annual retired pay of any civilian employee. If retired pay is to be increased, let it be done by a subsequent bill, after the pending bill has been tried, and when the House can act with fuller knowledge as to the results that may follow.

The maximum retired pay of a colonel is now $3,750, and should not be increased by this bill to $4,500; that of a lieutenant colonel $3,375, and should not be increased to $4,312.50; that of major is now $3,000, and should not be increased to $3,937.50, as the pending bill would do if not amended.

Mr. McKENZIE. Your statement is that under this bill the retired pay of a colonel would approximate $4,500, instead of $3,500 as at present?

Mr. OLIVER. The maximum retired pay of a colonel is now $3,750, and if the pending bill passes without amendment it will be $4,500.

Mr. McKENZIE. Under the law the retired officer receives three fourths of his base pay?

Mr. OLIVER. You mean three-fourths of his base and longevity pay.

Mr. McKENZIE. What would be the base pay of a colonel at its maximum under this bill?

Mr. OLIVER. The base pay of a colonel is $4,000, and, if he has had 30 years' service, under the provisions of the pending bill his longevity pay would be $2,000, thus making his pay $6,000—three-fourths of which would represent his retirement pay.

The CHAIRMAN. The time of the gentleman has expired.

Mr. OLIVER. Mr. Chairman, I ask unanimous consent for five minutes more.

The CHAIRMAN. Is there objection. [After a pause.] The Chair hears none.

Mr. McKENZIE. The sixth pay period, when they reach that after 30 years of service, the base pay, which is the maximum, is——

Mr. OLIVER. The base pay of a colonel, as I before stated, is $4,000, and where he has had 30 years' service his longevity pay under the pending bill would be $2,000 instead of $1,000 as under existing law.

There can be no possible difference between the gentleman and myself as to what is the base pay of a colonel and what under this bill his maximum longevity pay would be. Unquestionably, the limitation of $1,000 on longevity pay is removed by the pending bill, so that 30 years' service will now increase the longevity pay of a colonel to $2,000. There are more than 300 colonels and officers of corresponding grades now in the service who will be entitled on the passage of this bill, if not amended, to the maximum longevity pay of $2,000, thereby increasing the retirement pay of these colonels from $3,750 to $4,500.

Table 1 also shows that there are lieutenant colonels and majors with sufficient service to secure under the provisions of this bill, if not amended, an increase of $937.50 on their retirement pay. Is it the purpose of the House, when officers are retired from the service, to provide in this bill these large increases in present retirement pay? The very fact that the gentleman from South Carolina seems unwilling to increase the pay of the officer now retired furnishes an unanswerable reason why the officers to be hereafter retired shall not have increased retired pay. Under this bill he will be given, and should be given, if the bill passes, some increase in pay and compensation while in active service.

If, in accordance with the suggestion of the gentleman from South Carolina, an increased retired pay is given to all officers now in the service and denied to all officers now on the retired list, or who may be placed on the retired list before this bill becomes effective, then you will have an officer retiring during the present month as a colonel in the Army or captain in the Navy with $3,750, and if this bill should pass during June you might have a few days thereafter a colonel in the Army or captain in the Navy retired on a pay of $4,500.

Both of these officers now in the service have 30 years to their credit. Now, why should we make a distinction between the one who retires just before and the one just after the passage of the bill, so as to increase the retired pay of the last during the remainder of his life $750 a year over the retired pay of the one who may retire just before the bill goes into effect?

The fact is that the law in reference to retired pay has always given to retired officers the same retired pay as is provided for the officer in active service when he retires. In other words, where retired pay has been increased for the officers in the service, the law carries a like increase to those on the retired list who were retired in the same grades with the same service. Yet the gentleman from South Carolina objects to giving any increase to men now on the retired list but favors a maximum increase to colonels of $750 and to lieutenant colonels and majors of $937.50 now in the service when they are retired. I am sure that on second thought he will recognize the justice of the amendment offered and, I trust, will give it his support. No increase in retired pay should be carried in this bill for either officers on the active or retired list.

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

Mr. OLIVER. Mr. Chairman, I ask unanimous consent for just two minutes more.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. OLIVER. May I ask the gentleman from Illinois [Mr. McKENZIE] if there is any difference between us as to what this bill provides relative to retired pay?

Mr. McKENZIE. I have not paid very close attention to all the gentleman has said, but I think he has stated the facts very clearly. It is a question of difference of opinion.

Mr. LEA of California. Mr. Chairman, will the gentleman yield?

Mr. OLIVER. Yes.

Mr. LEA of California. I understand the differences of salary prescribed in your amendment are based on existing law.

Mr. OLIVER. No.

Mr. LEA of California. I would like to have the gentleman state the comparative relation of limitations he suggests to the law that is here proposed.

Mr. OLIVER. Under the pending bill, it is proposed to increase the maximum longevity and base pay of a colonel from $5,000 to $6,000, of a lieutenant colonel from $4,500 to $5,750, and major from $4,000 to $5,250. This amendment, if adopted, will not prevent this increase in the longevity and base pay of officers in the service, but will simply serve to limit the retirement pay of all officers under the grade of brigadier general to the maximum retired pay which they are permitted to draw under existing law. In other words, hereafter the retired pay of a colonel will be $3,750, that of a lieutenant colonel $3,375, that of a major $3,000, if the pending amendment is adopted. If not adopted, the maximum retired pay of a colonel will be $4,500, that of a lieutenant colonel $4,312.50, and that of a major $3,937.50.

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

Mr. McKENZIE. Mr. Chairman, I shall not detain the committee very long on this amendment, but I want to say a few words. The fact about the case is that this bill involves many propositions, including the matter of retired pay. It does propose a certain graduated increase, reaching its maximum at the end of 30 years. It is true that in the Navy to-day and in the other services covered by this bill many things are counted to make up the length of service. These conditions are the result of legislation by Congress heretofore. We accepted the situation as we found it, and we said, "We will write a law that will require an officer to give to this country 30 years' commissioned service before he can reach the maximum of the fixed pay period of $6,000."

We also said, "We will change the law of longevity from a 10 per cent increase for every 5 years up to 20, which makes a 40 per cent increase, and we will make it 5 per cent for every 3 years over the period of 30 years, making an increase of 50 per cent." So far as that longevity pay is concerned, it does not affect the taxpayer to any great extent whether it is 40 per cent for 20 years or 50 per cent for 30 years.

Now, after having fixed the basis, after having fixed the time that these men must serve before they reach the various pay periods up to 30 years, we then said that hereafter this law shall apply to the retired list. In other words, to-day the law is that the retired officer in any of these services receives three-fourths of his base pay. It was the intention of the committee to raise the pay. Let us be frank about it. I think we are all for the proposition to raise the pay somewhat over the pay scale of 1908; and when we raised the pay scale for the men in the service over that of 1908, in order to be consistent and logical we said, "We will apply this same rule to the retired list," and we went one step further, and this is the only proposition raised by the gentleman from Alabama that may deserve criticism at all. That is where we say in this law that a man now on the retired list who had long service in the Army or Navy should have his retired pay measured by this bill rather than the old law. It will not affect all men retired who had a short time of service, but officers of long service may get some little increase under this bill. I am frank to admit to the gentleman from Alabama and to this House that as a matter of fact this is a gratuity in those cases. The Government has kept its contract with those old men. They have been living through this period when a dollar would buy only half as much as it formerly did, and they are living now on that small amount of retired pay; and we said we believed that this country would be willing and that this Congress would be willing to say that these old retired officers might have a little increase.

Mr. OLIVER. Will the gentleman yield?

Mr. McKENZIE. In a moment. The gentleman from Alabama objects to this. I am sorry that the gentleman did not bring some of these things to the attention of the committee while we were laboring long and hard to write this bill.

The CHAIRMAN. The time of the gentleman has expired.

Mr. McKENZIE. I would like two minutes more, Mr. Chairman.

The CHAIRMAN. The gentleman from Illinois [Mr. McKENZIE] asks unanimous consent that his time be extended two minutes. Is there objection?

There was no objection.

Mr. McKENZIE. But now after the bill has been prepared, after we have given our best thought to it, after we have taken into consideration all of these men in the service, recognizing the inequity that exists perhaps between some of the naval officers and the men in the Army and the Coast Guard—the gentleman from Alabama does not say anything about those in these other services—recognizing all of these things, we feel that with this law on the statute books it will do entire justice and equity to every man in all of these services. It is up to you, my colleagues, whether or not you want to say now that you are ready to say to those old men who are out on the retired list, "We will take care of the future but not of the past." So far as I am personally concerned, I stand for the provision as written in the bill and I hope the House will stand for it. [Applause.]

Mr. BLAND of Indiana. Will the gentleman yield?

Mr. McKENZIE. Yes.

Mr. BLAND of Indiana. I understood the gentleman from Alabama to say that a colonel who retired at the age of 45 under this bill would receive a salary of $4,500, whereas now he would receive $3,750. Is the gentleman in favor of that being done?

Mr. McKENZIE. I understood him to say in the Navy.

Mr. BLAND of Indiana. And at the same time the bill reduces the privates from $30 to $21. Is that a correct statement of fact?

Mr. McKENZIE. I can not say whether it is or not. I do not quite get the gentleman.

Mr. BLAND of Indiana. I understand it to be a correct statement of fact.

Mr. OLIVER. Unquestionably a colonel retiring after 30 years' service is retired at an increased pay of $750; in other words, $4,500; and a captain in the Navy corresponds to a colonel in the Army. He is supposed to retire at 56, and he performs always 30 or more years of service.

Mr. BLACK. Mr. Chairman, I can not believe for a moment that the House will agree to that provision of the pending bill which will increase the retirement pay of the officers already retired. It has not been very long since the Committee on the District of Columbia brought in just such a bill as this to increase the retired pay of all policemen here in the District of Columbia on account of the fact that a year or two ago Congress increased the salaries of policemen of the District and thereby increased the retirement pay of those now in the service when they shall retire. The contention of the proponents of that bill was that inasmuch as Congress had seen fit to increase the salaries of the policemen and firemen now in the service, therefore it ought to go back and increase the retired pay of all those who had been retired under the old law. I do not agree to the logic of that position. I am in favor of the amendment which the gentleman from Alabama [Mr. OLIVER] has offered. It does not affect the base pay provided in the bill to the officer as long as he is in the service. It does not affect the longevity pay provided by the bill; but it does say that the maximum retirement pay of a colonel shall be $3,750 and that the maximum retirement pay of a lieutenant colonel shall be $3,325, and that the maximum retirement pay of a major shall be $3,000.

Now, gentlemen of the House, I have no criticisms or derogatory statements to make concerning the record for service of our Regular Army officers or the officers of our Marine Corps or of the Navy or the Coast Guard or the Public Health Service, but I do think that one of the most liberal laws of all the laws of the United States is the retirement provision for Army and Navy officers. [Applause.] I do not know of any nation in the world that has been so generous as the Congress of the United States has been in making these retirement provisions; and at this time when the taxpayers in my district and yours are having to borrow money to pay their taxes, I can not understand why this committee should come in here with a bill that would provide large increases in retirement pay. Under this bill, as now written, colonels, if long enough in the service, could retire at $4,500 when they reached the retirement age, and a lieutenant colonel could retire at $3,750, I believe.

Mr. OLIVER. Three thousand three hundred and seventy-five dollars plus $750 was the increase.

Mr. BLACK. I thank the gentleman for the more definite figure. I can not conceive how this Republican House, which has pledged itself to economy, and how we Democrats who have pledged ourselves to support the economy program and to go even further than you are willing to go—I can not see how, in the face of these professions which we have made so often in debate, we can stand up for the present provisions in this bill with relation to retirement pay. We must defeat them. Therefore, I am going to support the amendment offered by the gentleman from Alabama, and I believe if it is adopted it will still leave these respective officers with the best retirement law of any nation in the world. [Applause.]

Mr. BYRNES of South Carolina. Mr. Chairman, I want to say a few words in relation to this amendment. I have no objection to—on the contrary, I am in favor of—an amendment providing that no officer now on the retired list shall receive compensation in excess of that which he is now receiving. The law provides that an officer is entitled to three-quarters of the pay of the grade in which he was serving at the time he retired. My contention is that this law should continue to operate, and if it continues to operate there is going to be very little difference between the position advocated by the gentleman from Alabama and myself. I would not want the minds of Members to become confused by the statement which evidently found lodgment in the mind of the gentleman from Indiana [Mr. BLAND] that a colonel who has had 30 years' service can be retired at the age of 45 and receive this enormous amount of money. It follows that if a colonel at the age of 45 can be retired, he entered the service when he was 15 years old, which is impossible.

Mr. BLACK. Will the gentleman yield?

Mr. BYRNES of South Carolina. Yes.

Mr. BLACK. It is possible for a colonel with the necessary amount of service to be retired under this bill at $4,500.

Mr. BYRNES of South Carolina. Yes; if he has completed 30 years' service, but I can not figure out, and the gentleman from Texas, who is a good mathematician, can not figure out how a colonel with 30 years' service could be only 45 years old. It can not be done.

Mr. BLACK. Is it not possible for him to draw $6,000 under this bill?

Mr. BYRNES of South Carolina. No; not for retirement. He can while in the service, provided he has served 30 years, and is a colonel.

Mr. BLACK. Thirty years?

Mr. BYRNES of South Carolina. If he is 45 and he has had 30 years' service, he must have entered the service at the age of 15, and we know he could not enter at 15.

Mr. BLACK. Will the gentleman contend that under the provisions of his bill——

Mr. BYRNES of South Carolina. It is not my bill, but the bill of the gentleman from Illinois.

Mr. BLACK. Under the provisions of this bill that it is not possible for a colonel to draw $6,000?

Mr. BYRNES of South Carolina. I do not see how he can with 30 years of service, and be only 45 years of age.

Mr. BLACK. Will the gentleman explain what this provision means when it says that this sixth period shall include colonels?

Mr. BYRNES of South Carolina. I am talking about the age limit. The gentleman was talking about the colonels going out at the age of 45 with 30 years' service.

Mr. BLACK. The gentleman did not understand my question.

Mr. BYRNES of South Carolina. I was not referring to the question of the gentleman from Texas; it was the question of the gentleman from Indiana [Mr. BLAND]. The fact is that there are only 25 captains with 30 years' service. If we conceive it possible for these officers to have this great longevity service, there would be some ground for the complaint, but their objection is based on the idea that all officers would have the maximum service. The fact is that the average service of an officer in the Army is 20 years. If my friend from Alabama will offer an amendment providing that no officer now on the retired list shall receive compensation in excess of what he is now receiving, my contention is that the Government will have kept the contract with him. He has no complaint because he receives compensation based on the grade in which he was serving at the time he was retired. That is the law, and it stands on the same principle that we apply to this bill.

Mr. OLIVER. Will the gentleman yield?

Mr. BYRNES of South Carolina. Yes.

Mr. OLIVER. The bill repeals two existing laws in order to increase the base and longevity pay of a colonel. The first is it repeals the limitation on base and longevity pay.

Mr. BYRNES of South Carolina. It does repeal it, and for the purpose of protecting the Coast Guard, where promotions have been stagnated for years, and the only way they could receive any relief would be by recognizing length of service. So far as the Army is concerned, they are not interested in it.

Mr. OLIVER. The gentleman does not understand my question.

The CHAIRMAN. The time of the gentleman from South Carolina has expired.

Mr. BLAND of Indiana. Mr. Chairman, I ask unanimous consent that the gentleman have two minutes more in order that I may ask him a question.

The CHAIRMAN. The gentleman from Indiana asks that the time of the gentleman from South Carolina be increased two minutes. Is there objection?

There was no objection.

Mr. BLAND of Indiana. The gentleman says that a man would not enter the Army at the age of 15 so that he could be retired with 30 years' service at the age of 45. They do enter at 15 and, nevertheless——

Mr. BYRNES of South Carolina. Where do they enter at 15?

Mr. BLAND of Indiana. But suppose he was to retire at the age of 46, then it is possible for him to retire with a salary of $4,500, is it not?

Mr. BYRNES of South Carolina. If he served 30 years, whatever his age in life. As a matter of fact, I do not think there is a record of a man 45, 46, or 47 retiring as colonel, or anything like it. The automatic retirement in the Army is 64. No officer in the Army can retire even though he has served 30 years, without the permission of the President.

Mr. BLAND of Indiana. I am not in favor of giving him $4,500 retirement pay.

Mr. BYRNES of South Carolina. The gentleman's objection is to the principle of retirement.

Mr. OLIVER. Mr. Chairman, I ask unanimous consent to address the committee for two minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. OLIVER. Mr. Chairman, I know it is the desire of the House to at least know the facts and that it is not the purpose of my good friend from South Carolina [Mr. BYRNES] to in any way mislead the House. In order to increase the maximum of longevity and base pay this bill repeals two provisions of existing law. One fixes a limitation on longevity pay of $1,000 for a colonel, lieutenant colonel, and major, and the other limits the longevity pay to 40 per cent of the base pay. Under the pending bill the $1,000 limitation on longevity pay is removed and the 40 per cent on base pay for longevity is increased to 50 per cent. As to the number of colonels that now have 30 years' service turn to Table I, and you will find 434 colonels with more than 30 years' service. You will find 246 with more than 28 years' service and 366 with more than 25 years' service. Practically all of the colonels have had 30 years' service. My friend was entirely in error when he said that this was intended to correct a condition in the Coast Guard, because there is but one colonel in the Coast Guard, and by special provision he has been cared for and given the maximum compensation of a colonel without limitation.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Alabama.

The question was taken; and on a division, because the Chair was in doubt, there were—ayes 44, noes 31.

So the amendment was agreed to.

Mr. OLIVER. Mr. Chairman, I have another amendment which is in line with this, which I ask to have considered at this time.

The CHAIRMAN. The gentleman from Alabama offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. OLIVER: Page 6, line 5, strike out the period after the word "computation," and add the following: "for computing longevity pay, but only commissioned service shall be counted in computing service for advancement to a higher pay period."

Mr. OLIVER. Mr. Chairman, I have only prepared two amendments to section 1. The first undertook to limit retired pay to amounts now provided under existing law, which the committee has just adopted, and the second seeks to provide that for advancement to a pay grade higher than that corresponding to the grade in which the officer holds a commission, commission service only can be counted. If the facts in reference to this last amendment are made clear to the House, I feel that the amendment will meet with your approval. I know of no body of men more ready to do exact justice in matters of this kind than the Members of this House. No difference can possibly arise between those favoring the bill and myself as to the facts which lead to the offering of this amendment.

The pending bill contains the following provision, commencing on line 23, page 5, and concluding on line 5, page 6, as follows:

For officers hereafter appointed no service shall be counted for purposes of pay except active commission service under Federal appointment and commission service in the National Guard when called out by order of the President.

For officers now in the service all service which is now counted in computing longevity pay and service, as a contract surgeon serving full time, shall be included in the computation.

Service now counted in computing longevity pay and which under this provision is sought to be made available to officers now in the service to increase their base pay as well is not limited to commission service, but includes for all graduates of the academies at West Point and Annapolis prior to July, 1916, the time spent at these academies in school, and a constructive or gift service, credited to many officers appointed from civil life, prior to March 13, 1913, and also enlisted service.

After the passage of the bill, however, for officers hereafter commissioned, it will be noted that only commission service can be counted either for longevity pay or for the purpose of advancing an officer to another pay period higher than that corresponding to the grade in which he is commissioned. What good reason, may I ask, can be assigned for this discrimination in favor of officers now in the service against officers hereafter to be commissioned? In view of the rapid promotion received by so many now in the service, and the certainty of slow promotion hereafter, it would seem equitable to favor the incoming officer rather than many now enjoying high rank by reason of unusual and rapid promotion incident to the war and the favorable officer legislation subsequent thereto.

The amendment will not prevent any officer now in the service from counting all service of every character on longevity pay, and under the bill he is allowed an increase in his longevity pay of 10 per cent. He has never been allowed to count this service for any other than longevity pay purposes, and why should this bill undertake to let other than commission service advance an officer to the next high pay period, if he happens to be now in the service, and deny it to every other officer who comes into the service after the passage of the bill?

Should this bill pass, the officer hereafter entering the service will find the upper grades crowded and promotion slow, and yet he will be limited to commission service both as to longevity pay and as to advancement to pay periods. This amendment seeks to prevent something being given to the men now in the

service which they neither now have nor have ever had and which will be hereafter denied to all officers coming into the service.

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

Mr. OLIVER. Mr. Chairman, I ask unanimous consent to proceed for four minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. OLIVER. My friend from Illinois [Mr. McKENZIE] can not consistently oppose this amendment, since he has given it his deliberate and unqualified approval on two different occasions. On pages 16 and 17 of the joint hearings the gentleman from Illinois [Mr. McKENZIE], speaking of a tentative bill in reference to the pay of officers, said:

I will allow no service to be computed in determining an officer's pay except commission service rendered under Federal commission. In other words, service as a candidate in a training camp, as a Federal Nationalized Guard, as a cadet in either the Naval or Military Academies. Any similar service would not be computed in determining an officer's pay.

Later he submitted to the committee the draft of a tentative bill, and which formed the basis for the drawing of the pending bill. In the tentative bill so prepared by the gentleman from Illinois, it was provided that nothing but commission service should now or hereafter count to advance an officer to the next pay period, and until the officers conferred in reference to the McKenzie bill no objection had been raised by anyone that advancement to pay periods should not be confined to commission service.

You will note that this amendment will in no way interfere with all service being counted for longevity pay to the officers now holding commissions, and its sole and only purpose is to do what the gentleman from Illinois [Mr. McKENZIE] on two occasions approved; that is, make advancement to a higher pay period depend on commission service only.

I submit again that no sound reason can be advanced why one rule should be applied to the officers now in the service and a different rule to those to be hereafter commissioned.

Mr. McKENZIE. Mr. Chairman and gentlemen of the committee, it is a source of considerable gratification to me to see now the gentleman from Alabama is getting around to the place where he indorses the fundamental principles, at least one of them, of this bill, for which I contended throughout all these long months. I am glad the gentleman from Alabama has reached the place where he recognizes that in the future the young officer who comes into the Army or Navy must give 30 years commissioned service to the Government before he receives the maximum pay. That is what we are trying to do by this bill, and I am glad the gentleman from Alabama indorses that proposition; but while he is willing to do that, although lamenting over the young officer who will come into the service in the years to come, shedding tears over him, he is sticking daggers in the officers now in the service. We give them credit only for the service heretofore recognized by law. He laments over this fact. I do not believe in giving men promotion on the promotion list for any service except commissioned service, and that is what we are fighting for in this bill; but there is such a thing as individual honor and there is such a thing as national honor, and I appeal to the men of this House if we are not justified in saying to these men who are now in the service, who came in with the understanding that their enisted service should count, their service at Annapolis should count, that all of these different kinds of service should count, this service should continue to count. Now, when we write a bill for the future we should say to these men, "We will keep our word with you, but as the years go by and this mighty army that my friend talks of—20,000—moves onward to the beyond, and this young army of officers comes on this country will then see a bill that is founded on the eternal principles of justice. But now in this amendment, when we are trying to make this law, the gentleman from Alabama will get up and quibble and find fault with respect to the 200 men to whom I know he is referring. He is referring to the 200 old salts who went into the North Sea with our fleet and protected our vessels carrying our boys and products, and when the war was over the gentleman was on the committee, along with our good friend Mr. PADGETT, of Tennessee, that wrote a bill which provides that those men who had spent long years of their lives riding the waves of the sea, these men who had nerve and backbone, these men who were ready to die when conflict comes, this Congress provides that the 200 or better of those old veterans should be given commissions, and they should be entitled to count their individual services, enlisted services, if you please, in the Navy. Now, my friend from Alabama comes in here and appeals to you and appeals to me, that while this bill is just for the future, let us now penalize these old men. I hope, my friends, that in the interest of justice and the integrity of our Government that you will vote down this amendment.

Mr. McSWAIN. Will the gentleman yield?

Mr. McKENZIE. I will.

Mr. McSWAIN. I do not quite understand the details. I do not understand whether or not this provision includes all the elements of the service, whether enlisted or commissioned. Is it for the benefit of these enlisted men in the Army and Navy who got commissions as the result of service, or is it for the benefit of the West Point and Annapolis graduates?

Mr. McKENZIE. I would say that the greater percentage in the Army are not from West Point. It is not so in the Navy, because a man can not come in from the cornfield and be an officer in the Navy very well, but in the Army a very small percentage of the officers are West Pointers.

Mr. McSWAIN. I agree with my friend's sentiment, if this is to benefit the emergency officers who got permanent commissions in the establishment.

Mr. McKENZIE. Absolutely.

Mr. McSWAIN. It is for their benefit?

Mr. McKENZIE. Absolutely. It is for the benefit of the 5,000 men that we put in after the World War and for the benefit of about 3,000 that we put in after the Spanish-American War, men who really won our battles for us.

I want to say that I hope the Members of this House will vote down this amendment. I do not claim that this bill is perfect——

Mr. BYRNES of South Carolina. Will the gentleman yield?

Mr. McKENZIE. I will.

Mr. BYRNES of South Carolina. Is not this a fact: That under this amendment the service of an enlisted man could not be counted in determining the period of his pay?

Mr. McKENZIE. Yes. That is, under our bill as written.

Mr. BYRNES of South Carolina. Would not this amendment provide that a man should not compute the service in the enlisted ranks, and every officer who came from the ranks would be denied the compensation which he is now receiving and based on the service in the enlisted rank?

The CHAIRMAN. The time of the gentleman has expired?

Mr. OLIVER. Mr. Chairman, I would like to ask unanimous consent that the gentleman have two minutes more. I would like to ask him a question.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. OLIVER. The gentleman understands that the service which he has referred to will amount, notwithstanding this amendment, for the purpose of increasing the longevity pay, to from 40 to 50 per cent. That is correct?

Mr. McKENZIE. Yes.

Mr. OLIVER. It in no way interferes with the provision which gives longevity pay based on all kinds of service, and increases it from 40 to 50 per cent?

Mr. McKENZIE. I will say——

Mr. OLIVER. Did not the gentleman state in two bills that he prepared that it was right that in order to advance to another pay period only commissioned service should be counted?

Mr. McKENZIE. That is my position.

Mr. OLIVER. And that is all this amendment says, absolutely.

Mr. McKENZIE. I beg to differ with the gentleman.

Mr. OLIVER. This is the same amendment that General Spaulding said before the committee he thought was right, and even the chairman of the committee, Mr. WADSWORTH, thought was right.

Mr. McKENZIE. The way I feel is simply this, that it is a mere matter of justice to the men that are now in the service, and this amendment of my friend from Alabama does not destroy the thing entirely. It is a good deal like picking one pocket and letting the other pocket go.

The CHAIRMAN. The time of the gentleman has expired.

Mr. CONNALLY of Texas. Mr. Chairman, I ask unanimous consent that the gentleman's time be extended two minutes.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. CONNALLY of Texas. Let me ask the gentleman from Illinois if it is not true that at present an enlisted man that becomes a captain receives the pay of a captain—$2,400? Then he receives longevity pay based upon the length of time he served as an enlisted man. Now, is it not true that the amendment offered by the gentleman from Alabama [Mr. OLIVER] will leave that condition exactly where it stands now?

Mr. McKENZIE. It would, so far as counting longevity pay is concerned.

Mr. CONNALLY of Texas. If to-morrow an enlisted man should be appointed a captain he would receive the pay of a captain?

Mr. McKENZIE. Yes.

Mr. CONNALLY of Texas. And he would receive the longevity pay for the period during which he was an enlisted man, but under this bill an enlisted man that had been in the Army 10 years and is appointed a captain to-morrow would receive the same pay as a man who had been 10 years a commissioned officer and was promoted at the same time as the enlisted man? Is that true?

Mr. McKENZIE. It is true. But if you will permit me to state, this bill now before us is drawn on the basis that length of commissioned service alone shall count hereafter.

Mr. CONNALLY of Texas. If he is a captain, he is assigned to a regular place, whether he has been in the Army a day or a year.

Mr. McKENZIE. It being based on length of service, that places these officers in the pay period in which they would come by the length of service they have. For instance, if a man has had 14 years of service he is in the period with a major, and so on. That is the theory of the bill.

Mr. CONNALLY of Texas. So far as there being any unfairness is concerned, under the amendment offered by the gentleman from Alabama the man would get exactly what he does now?

Mr. McKENZIE. Except that it takes away from him half of his right, you might say. It takes away from him the right to be placed in the pay period to which the length of his service would entitle him.

Mr. CONNALLY of Texas. The only right he would have would be to be classified as other officers under this bill. This bill provides that new officers that come in shall not have any increase by reason of enlisted service.

Mr. McKENZIE. You are right.

Mr. CONNALLY of Texas. Now, under the present law he is not entitled to an increase of base pay by reason of enlisted service, is he?

Mr. McKENZIE. Under existing law?

Mr. CONNALLY of Texas. Not to base pay?

Mr. McKENZIE. No.

Mr. CONNALLY of Texas. This amendment, instead of discriminating absolutely, puts him on an equality?

Mr. McKENZIE. The rank now fixes the pay.

Mr. CONNALLY of Texas. Yes.

Mr. McKENZIE. The theory of this bill is that length of service shall fix the pay.

Mr. CONNALLY of Texas. You make an exception. You say any man who comes in hereafter shall not have the credit for enlisted service.

Mr. McKENZIE. But that is keeping faith.

Mr. PADGETT. Mr. Chairman, I move to strike out the last two words.

I sincerely hope that this amendment will not be agreed to. In my opinion it will produce very great inconvenience, very great injustice, and very great confusion, especially in the Navy. They have in the Navy the line, and then they have the various staff corps, the Medical Corps, the Construction Corps, and the Pay Corps. In order to equalize and to adjust it as far as possible, we have on the statute books legislation that establishes what we call the "running-mate" provision. This will very seriously discommode and interfere with and destroy the working of that "running-mate" provision.

It will do a very great injustice to the men who have an honorable and long enlisted service, coupled with a commissioned service, and war service as enlisted men, coupled with war service as commissioned men.

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

Mr. PADGETT. No; let me finish my statement, please.

Now, this proposed amendment will bring confusion and will do very great injustice to the various staff corps, because they have their rank based upon not altogether their length of service, but upon this running-mate provision under existing law, and also being credited with constructive service that they had in preparing themselves for admission to the service. It will do some injustice to the line of the Navy, but especially to the Staff Corps and to the enlisted personnel; and, in view of the confusion and the conflict with existing law and the injustice that it will do, I certainly hope that the House will not agree to the amendment. [Applause.]

The CHAIRMAN. The time of the gentleman from Tennessee has expired. The vote comes on the amendment of the gentleman from Alabama [Mr. OLIVER].

The question was taken, and the Chairman announced that the ayes seemed to have it.

Mr. JEFFERS of Alabama. A division, Mr. Chairman.

The CHAIRMAN. A division is demanded.

The committee divided; and there were—ayes 18, noes 74.

So the amendment was rejected.

Mr. JEFFERS of Alabama. I offer an amendment.

The CHAIRMAN. The gentleman from Alabama offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. JEFFERS of Alabama: Page 6, line 3, after the word "pay," insert "all commissioned service in the National Guard and Organized Militia, whether in State or Federal service, or both."

Mr. JEFFERS of Alabama. Mr. Chairman and gentlemen of the committee, this amendment is one which is designed simply to do justice to a group of officers now in the Army who are ex-National Guard officers and who had actual experience in the National Guard as commissioned officers, and who as such National Guard commissioned officers did give their time and their money, to their own detriment in many cases, for the upkeep of the guard. Officers of this class brought into the service in time of war constitute a large proportion of our first and most valuable fighting men. You will find that it says "all commissioned service in the National Guard and Organized Militia"; "commissioned service."

It is my belief that Congress wants to be fair to those men who went into the service of the National Government through the National Guard.

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

Mr. JEFFERS of Alabama. Yes.

Mr. STAFFORD. Do I understand the gentleman's contention to be that where a present officer of the Army had prior service as an officer of the National Guard or the Organized Militia the length of service in the National Guard, or number of years, regardless of the number of days he has given each week to the service, shall be computed in the longevity pay and increased pay?

Mr. JEFFERS of Alabama. Yes.

Mr. STAFFORD. At present, as the National Guard is organized under the Army reorganization act, an officer of the National Guard is only obliged to give one day in the week to the work, and yet you propose, in case he goes into the Regular service, to give him credit for the full seven days in the week in increased pay and also longevity pay?

Mr. JEFFERS of Alabama. Yes. But when that man is supposed to give only one day a week to the service in the National Guard he is as a matter of fact giving a great deal more of his time than that, and any man who has ever struggled to keep alive a real efficient National Guard organization knows that he has to give to it so much of his time and so much of his personal expenditure at times to keep the thing going, to properly keep up all its activities, that in a great many cases he can hardly have time to make a living for himself.

Mr. STAFFORD. Mr. Chairman, will the gentleman permit another question in that connection?

Mr. JEFFERS of Alabama. No; I regret that I can not yield.

The CHAIRMAN. The gentleman declines to yield.

Mr. BLAND of Indiana. Mr. Chairman, will the gentleman yield?

Mr. JEFFERS of Alabama. Yes.

Mr. BLAND of Indiana. I understand the gentleman proposes to count the commissioned service in the actual service, whether rendered in the National Guard or in the Regular Army?

Mr. JEFFERS of Alabama. Yes. I do not mean to be discourteous to the gentleman from Wisconsin [Mr. STAFFORD]. I know of my own personal knowledge that a great many officers of the National Guard do, to their own detriment, make a great deal of personal expenditure of money and an expenditure of their time; and when trouble comes, as was the case in the late war, they bring into the service, at very little expense to the Government, a great body of young men ready to take up arms and fight.

Now, when the United States became involved in the World War the guard furnished more than 12,000 officers and 367,000 men. Of the first five divisions sent overseas three were National Guard divisions. These organizations had been organized and kept alive and made ready for service largely by the efforts and personal expenditures of these officers for whom this amendment makes provision now and without much expense to the Government. The nucleus of these organizations had been kept alive under most trying conditions in local communities through the loyality and devotion of these officers. Of the eight divisions cited by the Commanding General American Expeditionary Forces in August, 1918, as demonstrating

their fitness for fighting divisions, four were National Guard divisions.

Now, I want to call attention to this point seriously: The bill, in section 3, makes provision for the officer now in the National Guard and provides that whenever he is on any kind of duty he shall receive just what this amendment provides for.

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

Mr. JEFFERS of Alabama. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

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

There was no objection.

Mr. JEFFERS of Alabama. The bill makes provision for the officers now in the National Guard in this respect, and this amendment would, as I have stated, simply give credit to the ex-National Guard officers now in the Regular Establishment for their former commissioned service in the Guard.

These officers are, in my opinion, amongst the very best officers in the Army. They followed the game before the war on account of their loyalty and on account of their love of the game. They are not so far removed from civil life, and they know and understand the relationship which should exist between the Army and the civilian population better than any other class of officers we have. Having gotten into the game during the war, these men decided after the war to continue in the service and are now officers of the Regular Establishment.

During the war, by the way, they were allowed longevity for both enlisted and commissioned service in the National Guard. That shows what Congress then thought they were due. This amendment now gives them credit only for their commissioned service.

During their service with the National Guard as commissioned officers was when they made their greatest sacrifices, both in time and in money, for the upkeep of the guard, and so this amendment will allow them to figure their former commissioned service only.

When the trouble came they stepped into the Army with their companies and battalions and regiments of men behind them, and that was made possible by their long-continued loyalty and effort.

I have compiled a list of officers affected by States, and they come from practically every State in the Union. I want to state right here that the idea that 50 or 60 per cent of the officers in the Army would be affected by this amendment is preposterous. When you come to examine the register and directory and go through it man by man you will find, as I have found, about 496 officers. Only about 5 per cent would be affected, and some of them have only about one year or a few months or two years, or some such short time as that, for which they would be allowed credit.

The States are represented as follows:

Alabama	26	Montana	2
Arizona	4	Nebraska	6
Arkansas	6	New Hampshire	2
California	19	New Jersey	4
Colorado	7	New Mexico	5
Connecticut	6	New York	34
Delaware	5	North Carolina	10
District of Columbia	11	North Dakota	4
Florida	6	Ohio	18
Georgia	15	Oklahoma	6
Idaho	5	Oregon	8
Illinois	19	Pennsylvania	27
Indiana	11	South Carolina	5
Iowa	8	South Dakota	9
Kansas	13	Tennessee	35
Kentucky	12	Texas	23
Louisiana	1	Utah	1
Maine	6	Vermont	5
Maryland	18	Virginia	7
Massachusetts	22	Washington	9
Michigan	6	West Virginia	5
Minnesota	16	Wisconsin	3
Mississippi	3	Wyoming	2
Missouri	21		

These officers, a total of 496, are scattered through these various States. In figuring their longevity they would simply get credit for their commissioned service in the National Guard, in which service, as I said before, they do not simply give up one night or two nights a week, but they labor from one end of the year to the other, as I know, and as every ex-National Guard officer in this House knows, to keep a real, live, efficient National Guard organization ready to step into the breach at any time in case of trouble.

Mr. BURTNESS. Will the gentleman yield?

Mr. JEFFERS of Alabama. I yield to the gentleman from North Dakota.

Mr. BURTNESS. Are not these National Guard officers given credit for service in the National Guard when actually called out for duty?

Mr. JEFFERS of Alabama. The bill itself does that for the National Guard officers when the National Guard are called out, but I am talking of the ex-National Guard officers now in the regular service, and want credit given to them for their National Guard service.

Mr. BURTNESS. I understand that the gentleman wishes to cover officers in the regular service who were formerly National Guard officers; but my question is whether the present bill does or does not give them credit for such time as they may have put in when the National Guard was actually called out for national defense.

Mr. JEFFERS of Alabama. It does.

Mr. NEWTON of Minnesota. As I understand it, if an officer served 10 years in the National Guard, then he would be entitled to 10 years' service credit in connection both with base pay and longevity pay.

Mr. JEFFERS of Alabama. I will read the section. It is all in this sentence:

For officers now in the service all service which is now counted in computing longevity pay—

And I insert the words—

all commissioned service in the National Guard and Organized Militia, whether in State or Federal service, or both—

And then it goes on—

and service as a contract surgeon serving full time shall be included in the computation.

Mr. NEWTON of Minnesota. So it puts National Guard service on a direct parity with service in the Regular Army.

Mr. JEFFERS of Alabama. Remember, that service, when a boy, is at West Point, is counted as a part of a commissioned officer's service.

Mr. NEWTON of Minnesota. Not since 1912.

Mr. JEFFERS of Alabama. But the man who takes his own time and money and develops and builds up a National Guard company, and who was educated at his own expense, not at Government expense, is entitled to as much credit for his services as the other fellow is entitled to, because the officer of the National Guard has actually produced something without much expense to the Government. He is certainly entitled to credit for time spent in doing that.

Mr. STAFFORD. Is it not a fact that since 1912 service at the Military or Naval Academy has not been credited in computing longevity pay?

Mr. JEFFERS of Alabama. How is it in the proposed bill?

Mr. STAFFORD. And now by your amendment, even though the bill gives credit to a man for commissioned service in the National Guard when under Federal appointment, you now intend to extend it to any kind of service before there was any federalized service.

Mr. JEFFERS of Alabama. The service which a captain or lieutenant or other officer in the Organized Militia performed in keeping those organizations together and to bring them into the service ready to fight, a service which he performed at his own expense and out of his own time, is something for which credit should be given him.

The CHAIRMAN. The time of the gentleman from Alabama has again expired. The question is on the amendment of the gentleman from Alabama.

The question being taken, on a division there were—ayes 29, noes 49.

Mr. JEFFERS of Alabama. Mr. Chairman, I demand tellers.

Tellers were refused, not a sufficient number seconding the demand.

Mr. NEWTON of Minnesota. Mr. Chairman, I offer an amendment.

Mr. OLIVER. Will the gentleman yield to me just a moment?

Mr. NEWTON of Minnesota. Yes.

Mr. OLIVER. I should like to offer an amendment in line with the one which the gentleman from Alabama offered, so that the House may at least——

Mr. NEWTON of Minnesota. I do not yield to the gentleman to offer an amendment. I thought he wished simply to make a statement.

The CHAIRMAN. The gentleman from Minnesota offers an amendment, which the Clerk will report.

The Clerk read as follows:

Mr. NEWTON of Minnesota moves to amend in line 5, page 6, by striking out the period after the word "computation," in line 5, and inserting in lieu thereof a semicolon and the following language:

"*Provided*, That every officer whose first appointment in the Regular Army was in a grade above that of second lieutenant shall receive as

much pay as the junior officer of the same grade in the same pay period, originally appointed in the Regular Army in the grade of second lieutenant, whose commission ranks from the nearest date to that of the officer so originally appointed in a grade above that of second lieutenant."

Mr. NEWTON of Minnesota. Mr. Chairman, we have just had up for consideration an amendment in reference to the National Guard officer who has entered the Regular Army and who is now a Regular Army officer. The purpose of many of those who voted for that amendment was to deal justly by the man who in civil life had believed in preparedness to the extent that he was willing to devote his time and his money in preparing not only himself but the youth of the land for military service.

No one in this House wants to discriminate against a man who entered the Army from civil life as a National Guard officer or as an ordinary civilian who entered during the war, either from a military school or a training camp or otherwise. And yet this very bill we are now considering discriminates against the man who entered the Army from civil life whether as a graduate of a training camp, a military school, or from the National Guard. For example, we have this question of longevity pay. We had it under the 1908 pay law. An officer could get so much money as base pay, and every five years he would get longevity pay in addition, the limit of longevity being $1,000. So the emergency officer who, during the war, entered the service and because of ex-service remained, after the war finds himself doing the same work as the regular in the same rank but at less pay. We had a right to expect that this joint committee that has been working on the question of Army and Navy pay would at least try to equalize the pay and not to emphasize the difference already existing between the emergency officer, the National Guard officers, and the man who went into the Army early to make a military career his life's work.

Let me state some of the differences. Here is a colonel in the Regular Army. Under the 1908 schedule as colonel he would draw $4,000 base pay, and his longevity pay would be $1,000. The allowances for heat, light, and extras would be $1,334, making a total under the old 1908 base pay of longevity and allowances to a colonel $6,334. Now, under this present bill the old regular colonel would be entitled to $7,472, but there is a limitation placed in the bill so that no colonel under any circumstances can get more than $7,200. So you have the old colonel under the present bill now before us drawing $7,200. The increase is about $1,000.

Now, what about the emergency colonel; what is he getting? He is the man that was called in because of his special fitness. He is doing the same work. We authorized in the Army reorganization act of 1920 the putting in of men from civilian life into the Army, and only five colonels were appointed. That shows what discrimination there was on the part of the examining board in admitting men in that high office into the Army. There were something like 17 lieutenant colonels, a little over 100 majors. The examining boards were extremely careful, admitting only the best qualified men to the service.

Mark you, these men passed an examination and were admitted under these circumstances. We find, then, a colonel, for example, draws pay under the proposed bill as follows: Base pay, $4,000; longevity pay, $200; and allowances, $1,872; or a total of $6,072. So you have two colonels, one an old-timer in the service and another who came in during the war, both doing the same work, both having the same responsibilities, one educated at Government expense, the other educating himself, with a difference in pay in favor of the old officer of about $1,200.

Now, it seems to me, gentlemen of the House, that this is not fair. There was a discrimination under the 1908 base pay, and it caused criticism all over the country; it created ill feeling in the Army. Now, we are about to pass a bill which is supposed to establish a new base pay. It seems to me the first thing we ought to do is to remove the present discrimination. Certainly we ought not increase it.

Mr. KRAUS. Will the gentleman yield?

Mr. NEWTON of Minnesota. I will.

Mr. KRAUS. I fear that the gentleman from Minnesota is overlooking the theory on which this bill is framed—that it is in the main the length of service and not the character or quality of the service.

Mr. NEWTON of Minnesota. I am glad the gentleman calls attention to that, because I am not omitting that. I believe in the general principle of the bill in basing pay on length of service, but I say where the Army thinks sufficiently well of a man to induce him to leave civil life and enter the Army to do important work that it owes to that man the same compensation it gives to the regular who is performing the same service. We should recognize the fact that they have had the experience and that they are doing the same work as the old-timer, with the same responsibilities, and give them the same pay. [Applause.]

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

Mr. NEWTON of Minnesota. Mr. Chairman, I ask for five minutes more.

The CHAIRMAN. The gentleman from Minnesota asks that his time be extended five minutes. Is there objection?

There was no objection.

Mr. LAYTON. Will the gentleman yield?

Mr. NEWTON of Minnesota. Certainly.

Mr. LAYTON. The gentleman's idea is that if a member of the Supreme Court of the United States should happen to die, the new appointee should have the same salary as his predecessor.

Mr. NEWTON of Minnesota. I do; and I think that is the law now. It seems to me that we must not as we make new legislation for the Army discriminate to the extent of $1,000 to $2,000 a year in the compensation given to the emergency officer and the National Guard officer who is entering the Army.

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

Mr. NEWTON of Minnesota. Yes.

Mr. VAILE. Under the proposed bill an officer in the lower grade, if the gentleman's amendment be not adopted, might actually receive higher compensation than an officer in the higher grade?

Mr. NEWTON of Minnesota. If I had the time, and I tried to get it under general debate, but there was no time left, I could show where a major under this bill would draw more pay than an emergency colonel will get, although the emergency colonel is doing in every way the work of a colonel, and was induced to enter the Army because of solicitation on the part of the officers of the Army and because of our passage of the reorganization act.

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

Mr. NEWTON of Minnesota. Yes.

Mr. WILLIAMSON. It seems to me that the gentleman's argument is against the principle of longevity altogether, and if we are not going to recognize the principle of longevity, what incentive is there for a man to remain in the Army anyway? The gentleman's argument seems to be against that proposition.

Mr. NEWTON of Minnesota. Oh, my friend is misinterpreting what I am saying. I believe in the general principle of longevity, but the principle of longevity is one thing when we have an Army where no one is permitted to enter except as a second lieutenant. That is the way it used to be. It is another thing where men enter from the ranks, the National Guard, or from civil life after having previously demonstrated their fitness. These generally do not start in as second lieutenants. Their experience has been such that they are wanted in a higher capacity. Such a man ought not to be penalized because he has the qualifications for entering the Army as a captain or a major or a colonel. Upon entering the Army he should receive the same general compensation as for his rank as the man who had made the Army his profession, because the man who comes in from civil life must work with the others and he must bear similar responsibility.

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

Mr. NEWTON of Minnesota. Yes.

Mr. MADDEN. I suppose the gentleman's idea is that the education received by the man who comes in from civil life is received at his own expense, and that it ought to be counted as much as the education received by the man who went to the Military Academy at the expense of the Government, where his longevity service begins from the time he enters the academy. Here you are handicapping the man who pays his own expense of education in favor of the man who is educated by the Government, and the qualifications of the man who is self-educated may perhaps be higher than those of the man who has been educated at the expense of the Government.

Mr. NEWTON of Minnesota. Exactly. The gentleman has it exactly. Here is an engineer, for example, who has gone through college at his own expense, who has taken a post-graduate course at some highly technical school at his own expense, and who goes into civil life and engages in great construction work. Along comes the war. He forgets his own business. He turns his whole service over to his country, and he is put into the Army as an engineer, as many of them were, and many of them did the greatest kind of work in this country and in France. The Army liked him; they want to keep this man in the service. They induce him to stay. We pass legislation permitting him to stay, and then along comes a

committee engaged in revising the pay of the Army, and that committee gives an old Regular $7,200 a year, and then takes this civilian engineer and gives him $6,000 a year. Is there any equity in that?

Mr. SUMNERS of Texas. Mr. Chairman, will the gentleman yield?

Mr. NEWTON of Minnesota. Yes.

Mr. SUMNERS of Texas. Does the gentleman also have in contemplation the fact that the man who comes in from civil life with that ability has been compelled to scrap all of the business that he has built up prior to the time he changes from civil to military life?

Mr. NEWTON of Minnesota. Yes.

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

Mr. NEWTON of Minnesota. Mr. Chairman, I ask unanimous consent to proceed for three minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. NEWTON of Minnesota. Mr. Chairman, this is a situation that I have attempted to correct. Here is the general proviso with reference to this kind of pay:

Provided, That every officer whose first appointment in the Regular Army was in a grade above that of second lieutenant—

That takes in the exceptional man; that takes in the man from civil life whose qualifications are such that they do not let him start at the bottom. I seek to provide that every officer who starts in a grade above that of second lieutenant shall receive as much pay as the junior officer of the same grade in the same period. That does not mean his senior officer. He does not receive as much pay as the senior officer, but he receives as much as the junior officer of the same grade in the same pay period who was originally appointed in the Regular Army in the grade of second lieutenant. Suppose that two men entered the service as colonels. One of them starts in from civil life on the 1st day of May as a colonel without going through these lower grades, while the other is commissioned on the same day by promotion from the grade of lieutenant colonel to the grade of colonel. These two men, both holding the same rank, one from civil and the other from military life, they would then receive the same pay. That is all this amendment does, and it is something that this Congress in enacting this new legislation ought to do.

We ought not to discriminate against the accomplished and qualified emergency officer. I hope the amendment will prevail. I almost hope that my good friend from Illinois will do what he really ought to do, and that is to join with me in this amendment.

Mr. OLIVER. Will the gentleman yield?

Mr. NEWTON of Minnesota. I will yield.

Mr. OLIVER. What credit does the amendment seek to give to these officers?

Mr. NEWTON of Minnesota. It gives them the pay of the officers of the Regular Army possessing the same rank and whose commission bears practically the same date. For example, we will take the rank of a colonel, which I used. If a regular who gets a commission as colonel on the 1st day of May has 20 years to his credit, then the civilian would get pay based upon 20 years of credit.

Mr. McKENZIE. Mr. Chairman, I dislike very much to find myself not in agreement with my good friend from Minnesota, but on this proposition I think he is entirely wrong. I appreciate the force of personal friendship. I know what it means to have a good friend who wants you to do something for him. We all go as far as we can to do those things which give us a certain gratification in helping out some one whom we think has been misused. But, gentlemen of the House, it is a most important question he is raising, and I want you to bear with me a few moments until I undertake to make it clear to you. This complaint does not come nor has it come from the men who faced the German bullets on the front. This complaint has not come from the men who spent long weary years on the Mexican border. It has not come from any man who has started in perhaps as an enlisted man and finally gets a commission as a second lieutenant and through long years of service got up to the grade of colonel. That is not it. That complaint and this demand that asks this amendment comes from a department over which our old friend General Crowder presided so long. This demand comes not from soldiers, not from men of iron. It comes from men who for long years of their lives were, as my friend suggested, coining money as engineers or as lawyers in some courtroom where it was possible to make more out of a week's work than an officer of the Army could make out of a year's work.

Mr. NEWTON of Minnesota. Will the gentleman yield?

Mr. McKENZIE. Yes.

Mr. NEWTON of Minnesota. Does not the gentleman appreciate this fact, that there are men in the office of the Judge Advocate General and Engineer Corps who saw service as combatants over in France during the late war?

Mr. McKENZIE. Absolutely.

Mr. VAILE. Most of them did.

Mr. McKENZIE. I say now these men, most of them, were in the noncombatant corps.

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

Mr. McKENZIE. Yes.

Mr. LAYTON. Does not the gentleman believe that there is something in this amendment that has been made by the gentleman from Minnesota that means a good deal in the future to the public service of the country. Does not the gentleman think that it is a good proposition in order to secure in the hour of emergency the very best talent to know that when you secure them they will not be discriminated against but will be given an equal right and equal grade?

Mr. McKENZIE. Well, I do not know how the gentleman from Delaware——

Mr. LAYTON. I want to say I do not know any colonel, lieutenant colonel, captain, or anybody else in the United States whom the amendment will affect.

Mr. McKENZIE. I realize we have to have some good men over there. I am not criticizing them in their position. Now, let me point out in the national defense act——

Mr. LAYTON. Would the gentleman advocate a proposition that the men in Congress with 25 or 30 years' service should have advanced pay over some man who came in last year?

Mr. McKENZIE. That is the point of my friend; I am not advocating it. The gentleman from Minnesota has stated the facts quite clearly in regard to the commissioned emergency men. We who were concerned in the writing of that law provided in section 24:

Not less than one-half of the total number of vacancies caused by this act, exclusive of those in the Medical Department and among chaplains, shall be filled by the appointment, to date from July 1, 1920, and subject to such examination as the President may prescribe, of persons other than officers of the Regular Army who served as officers of the United States Army at any time between April 6, 1917, and the date of the passage of this act.

Just get the point: We provided that 50 per cent of the men appointed should be from men who served in the great World War.

A suitable number of such officers shall be appointed in each of the grades below that of brigadier general, according to their qualifications for such grade as may be determined by the board of general officers provided for in this section; no such person above the age of 50 years shall be appointed in a combatant branch.

The CHAIRMAN. The time of the gentleman has expired.

Mr. McKENZIE. I ask for five minutes additional.

The CHAIRMAN. Is there objection? [After a pause] The Chair hears none.

Mr. McKENZIE (reading):

No such person above the age of 50 years shall be appointed in a combatant branch, or above the age of 58 in a noncombatant branch. No such person as below the age of 38 years shall be appointed to the grade of colonel, or below the age of 45 in the grade of lieutenant colonel, or below the age of 36 years in the grade of major. No less than three such persons shall be appointed to the grade of colonel in the Judge Advocate General's Department and no less than eight to the grade of lieutenant colonel in the Judge Advocate General's Department, provided a sufficient number of applicants for such appointments are legally eligible and are found by the board provided for in this section to be properly qualified.

Now, what happened under that, gentlemen? Under that we commissioned in the service of the United States 5,270 of the boys who came in to serve their country during that war—5,270 of them. Now, how were they commissioned? In that number there were six colonels commissioned. My friend criticizes that, but there was a reason for it. It was our contention that the Army should not be loaded up with old men. It is a mistake to put old men into the Army, and we provided that it should be filled up with commissioned men of younger years, although we did make some exceptions.

Mr. NEWTON of Minnesota. I was not criticizing the appointment of only this number. I was calling the attention to the small number of them as indicative of the great care that was taken in selecting men that were qualified.

Mr. McKENZIE. I agree with the gentleman. Twenty-one lieutenant colonels were appointed, 394 majors, 1,495 captains, 1,933 first lieutenants, and 1,401 second lieutenants, making 5,270. Out of that number of 6 colonels, 1 was commissioned in the Infantry, 4 in the Judge Advocate General's Department, and 1 in The Adjutant General's Department. Of the lieutenant colonels, three were commissioned in the Infantry and eight were commissioned in the Judge Advocate General's Department, and none of the other services at all. Of the majors commissioned

97 were commissioned in the Infantry and 44 in the Judge Advocate General's Department, and so on down through the list. So, my friends, in my judgment we took good care of these men, and under this bill, carrying out the wishes of the American people as I believe them to be, we have provided that these men, regardless of the fact that they only have 5 or 6 or 7 years' service, shall be permitted to remain in the pay period where we found them, in the period of lieutenant colonels and of colonel.

Now, what is the complaint? It is simply this, that the old Regular colonel who spent 25 years in the service, climbing up to that place, is drawing a little more longevity pay than this officer who came in from civil life and got a commission as colonel in the Judge Advocate General's office. It is the theory of this bill, and we have been trying to repeat it over and over again, the very fundamental principle underlying it, that officers in the Army shall give to this country so many years of their experience before they get an increase of pay, and we give them the longevity pay to induce them to remain in the service. Now, I want to ask you if you believe it is fair and right when a man from my town in Elizabeth, Ill., has practiced law for 23 years, and who has made some money, while another man from the same town went into the Army and spent part of his time in Alaska, with the long winter nights up there, spent part of it on the Mexican border, and part of it in Cuba, and a number of years in the Philippines, struggling along to make a livelihood for his wife and children out of the little competence that he received, we should say to him that we will give him this little increase of a very few dollars in his pay, while this other fellow who goes into the service in the Judge Advocate General's office now asks that he be given longevity pay by this Government for the time he did not serve?

The CHAIRMAN. The time of the gentleman has expired.

Mr. NEWTON of Minnesota. Mr. Chairman, I ask that the gentleman be given two more minutes.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. NEWTON of Minnesota. Let us see if we understand each other. The gentleman admits, then, as I understand it, that under his bill an emergency colonel, for example, or an emergency lieutenant colonel, might very easily, and in most circumstances would, draw less money than what some captains and some Regular majors would draw?

Mr. McKENZIE. Absolutely. I think he should.

Mr. NEWTON of Minnesota. And the gentleman thinks that is just?

Mr. McKENZIE. Absolutely.

Mr. MURPHY. Will the gentleman yield?

Mr. McKENZIE. Yes.

Mr. MURPHY. Would anyone be hurt if the amendment offered by the gentleman from Minnesota [Mr. NEWTON] carried? Would anyone be hurt in the event that the amendment does not carry? Some one does lose, does he not?

Mr. McKENZIE. No.

Mr. MURPHY. Of course they do. They lose the difference in pay. No one is hurt but the feelings of the colonel who has been educated at the cost of this Government. No one is hurt, if this amendment carries, but the major who has been educated at the cost of this Government. You are content to do an injustice to those who pass all the boards and come into the service of this country, and your committee is asking this Congress to do just what American fair play does not stand for. [Applause.]

Mr. McKENZIE. I think the gentleman is entirely mistaken. If you call it fair play——

The CHAIRMAN. The time of the gentleman has expired.

Mr. McKENZIE. Mr. Chairman, I ask unanimous consent for one minute.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. McKENZIE. If the gentleman from Ohio considers it fair play to take money out of the Treasury of the United States and give it to a man who has rendered no service for it I might agree with him. But I can not understand the principle or policy of saying that you ought to pay a man for something which he has never rendered to the Government.

Mr. MURPHY. I will put it in this way: In the event of the passing of one member of the Supreme Court, on your theory the gentleman coming in and taking the appointment would be entitled to the same salary as the gentleman who just died. The same service is rendered by the gentleman that comes into the service of the United States in time of war as that rendered by the other one that you want to pay more money to.

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

Mr. MURPHY. Mr. Chairman, I ask that the gentleman be given five minutes.

The CHAIRMAN. The gentleman from Ohio asks that the gentleman from Illinois be given five additional minutes. Is there objection?

There was no objection.

Mr. MURPHY. No one is hurt, is the point that I am making; no one is hurt if this amendment carries. There is an injustice done in the event that the amendment does not carry. You are only hurting the feelings and the pride of the man who is in the Army now. He can afford to have his feelings hurt when his pocket is not touched, but if you carry on as you are going here you are touching the pocket of a man of equal ability, perhaps of superior ability, because before going into the service he had the nerve to educate himself at his own expense and become big enough to pass prejudiced boards and get into the service of his country. I am surprised at the committee bringing in such a law as this, that is so unfair and un-American. That is what it is.

Mr. STEPHENS. Will the gentleman yield?

Mr. McKENZIE. I want to ask the gentleman from Ohio [Mr. MURPHY] a question. These gentlemen he is complaining about came into the service knowing the law; they understood the situation. They are not getting this longevity pay now. What does the gentleman think of the sportsmanship of those gentlemen now coming in?

Mr. MURPHY. The gentleman's question is perfectly proper and right. They understood, yes; but they did not know what was in the mind of the committee that was going to prepare and bring forth this bill. They had not any idea that the American spirit would be so overwhelmed and eclipsed in the committee as to bring in such a bill.

Mr. STEPHENS. Will the gentleman from Illinois yield for an observation?

Mr. McKENZIE. I will.

Mr. STEPHENS. Of these gentlemen who came in in the recent years the majority, I understand, are in the Judge Advocate General's office and in the Engineer's office, and so on. Is there any reason why they could not quit their jobs at any time if they did not like them?

Mr. McKENZIE. They have my permission.

Mr. STEPHENS. They do not, whether they get $6,000, $5,000, or $4,000.

Mr. NEWTON of Minnesota. I want to suggest to the gentleman this, that there is a wide discrepancy between the pay of the emergency officer and the old regular under the 1908 base pay, is there not?

Mr. McKENZIE. I suppose so.

Mr. NEWTON of Minnesota. Now, that discrepancy has been increased by the legislation proposed in this bill, has it not?

Mr. McKENZIE. No; it has been wiped out.

Mr. NEWTON of Minnesota. I mean longevity pay. You have increased the longevity pay from 40 per cent to 50 per cent, and he used to have a limit of $1,000, and there now is no limit to it, so that the difference now between the pay of the emergency officer and that of the regular has been increased, has it not, under the proposed bill, and the gentleman thinks that this bunch of new officers contemplated that a committee of Congress, headed by the distinguished gentleman from Illinois, who has always been known for his fairness to the emergency officer, contemplated anything of that kind?

Mr. McKENZIE. If that is what stirred the gentleman up, this provision as to the longevity pay, I will admit that we have made a mistake. [Laughter.]

Mr. NEWTON of Minnesota. You have made a mistake, and I am glad that the gentleman admits the possibility of having done that.

Mr. BYRNES of South Carolina. Mr. Chairman, I am glad at length to have secured my time. I do not expect to consume more than a few minutes.

Mr. GREENE of Vermont. Mr. Chairman, will the gentleman yield right there?

Mr. BYRNES of South Carolina. Yes; I will yield to the gentleman.

Mr. GREENE of Vermont. I just want to follow up the discussion with this one suggestion: We are under no compunction of duty or of obligation to make the pay of the man who comes into the Army as a second thought, after following a civilian occupation for 10 or 15 years, equal to that of the man who has remained in the service continuously and rendered faithful and valuable service to the Government.

Mr. VAILE. Mr. Chairman, will the gentleman yield? I want to ask the gentleman one question.

Mr. GREENE of Vermont. First listen to what I was going to say. You have thrown me off my gear, and I forget which side I was on. [Laughter.]

Mr. CARTER. Start in on low. [Laughter.]

Mr. BYRNES of South Carolina. Mr. Chairman, not having been thrown off my gear in what I have to say, I simply want to call the attention of the House to the situation as I see it in reference to this question. The House should understand that this is an attempt to correct what my friend from Minnesota [Mr. NEWTON] believes is an injustice to certain officers in the Judge Advocate's corps, more than anything else, that has precipitated this discussion. I think he will agree with me that that is the object sought to be accomplished.

Now, suppose I entered the Army from civil life. I have been a lawyer—at least I flatter myself that I was—but I believed when I came out of civil life into the service and came into the Judge Advocate General's office I could do better there than I could do outside. If I did not follow that policy I would not be doing justice to myself or to my family. I went there knowing what the law was and what I was to get. I entered into a contract. I did so only because I believed it was to my interest to do so. Now, I come before you gentlemen and I say that under this bill I will get as much money as I am getting to-day. The gentleman from Minnesota will not contradict that statement.

Mr. NEWTON of Minnesota. But the gentleman——

Mr. BYRNES of South Carolina. Pardon me a moment; otherwise you might get me off my gear. [Laughter.] My appeal to you is not that I should receive compensation equal to what I am getting to-day, but that you should give me more, because, forsooth, there is in the department some man who has been in the Army 26 years, and will get longevity for those 26 years, and therefore he will get more compensation than I; not that I shall lose a dollar from what I am getting to-day, with the bonus, but I complain because another fellow who has served 26 years in the service will get credit for that service and get more money than I do. No war was on; no patriotic appeal. I could have remained at home, but went into the Army and received a commission in the Judge Advocate General Corps at a certain salary. I shall continue to receive that salary, but I complain because somebody in the Judge Advocate General's office with long service gets more, and for that reason I want you to adopt this amendment.

Discuss it and disguise it as you will, that is the case. It gives 26 years' constructive service, imaginary service, to the colonel who entered the Army from civil life. It gives him the imaginary service for the time he was in his law office, as lawyers in this House have worked, building up a practice, making some money, perhaps, and investing it, possibly unwisely, and losing some of it, perhaps, but taking the chances in life, whereas the other man could take no chances, but was limited to his salary, and stayed there 26 years. If you give constructive service to the man for having served in the National Guard or elsewhere, there is more justice in that. That is service rendered in the military service, even if it was to the State and not the National Government. But this service was rendered in a law office.

Mr. LAYTON. I suggest to the gentleman that he should not look at me so much. [Laughter.]

Mr. BYRNES of South Carolina. My good friend from Delaware could not prevent anybody from looking at him. [Laughter.] Personally, I always love to look at him. What did we do for these gentlemen? My friend from Delaware [Mr. LAYTON] is evidently afraid that I will convert him to my way of thinking, but I assure him that I am not endeavoring to hypnotize him. We put in a special provision, because they had been emergency officers, that they should be put in the pay period where they are. We gave them an advantage over the officer who had been in the service. The major who was an emergency officer gets base pay under this bill of $3,000; he gets $300 longevity; he gets $1,200 for rental; and he gets $657 for subsistence—in all, $5,157. Now, how about the major who graduated at West Point, the man who served six years and was made a major? He gets base pay of $3,000. It is saved to him for the present by this saving clause. He gets $300 longevity and $960 rental and $438 subsistence, making in all $4,698, or $459 less than is received by the emergency officer who came in the regular service of the Government only in 1920.

The man who has been in the service six years gets $4,698, while your emergency officer gets $5,157, or $459 more.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BYRNES of South Carolina. I ask an extension of time, Mr. Chairman, because my time was occupied by interruptions.

The CHAIRMAN. The gentleman from South Carolina asks unanimous consent that his time be extended five minutes. Is there objection?

There was no objection.

Mr. NEWTON of Minnesota. The gentleman has spoken about the Judge Advocate General's office. Does not the gentleman feel that the country gets far more service out of the civilian lawyer who is in the office than out of the six-year major who is in the office?

Mr. BYRNES of South Carolina. It may or may not, depending on the individual. But because his service in civil life should be of value we discriminated in his favor, and he is going to get $459 more a year, and that is one of the reasons why we justify our action.

Mr. NEWTON of Minnesota. But why ought not he to get the same money instead of $1,200 a year less, when he is doing the same work?

Mr. GREENE of Vermont. In other grades they do not get as much.

Mr. BYRNES of South Carolina. As already explained, in no other grade do they get as much. Not one dollar is taken from this emergency officer, this lawyer who has been given an appointment in the Judge Advocate's Department. His only complaint is that you should credit him with 26 years' imaginary service, when the other man was actually serving in the Army. The additional amount he gets comes to him because of his long service in the Army, while the other lawyer had in civil life a chance to make more. It is a principle that applies in every service in all the Governments of the world. Shall we take it from him? No. Then should we add to every civilian who has entered the service under the reorganization act an amount for longevity and let him imagine that he was in the service for 26 years when in fact he was not?

Mr. NEWTON of Minnesota. Will the gentleman yield?

Mr. BYRNES of South Carolina. No; I want to call attention to another matter. The emergency officer who is a major receives $5,157 and every three years a 5 per cent increase. But the six-year West Pointer who is a major will get only $4,698 now and will get no increase until he has served 14 years, so that as the years go by there will be a greater difference than the $459 until he has served 14 years. This is due to the fact that the emergency officer was by a special provision placed in certain pay periods. As my good friend from Minnesota [Mr. NEWTON] says, we wanted to recognize his age and his experience, and all that, because of its value to the Government; but we can not give him imaginary longevity service for 26 years. No one has ever been given it. There is but one departure from the longevity principle in this bill where men are credited with constructive service, and I am sorry that it is there, because if it was not there we could stand up and say that no man is given any constructive service in this bill. That one departure is as to a few doctors in the Navy Department. It was unanimously agreed to, as I understood, with the exception of one gentleman on the committee, because of the manifest injustice that would be done them. When in 1912 Congress provided that in future service in the academies should not count for longevity, it excluded the classes to graduate in 1913, 1914, and 1915. No provision was made for the staff officers of the Navy who were the running mates of these officers. It affected only a few. With that exception, there is no imaginary service given to anybody. If you give it in the language of this amendment, you will add a tremendous amount to these officers by reason of constructive service, service never performed. You might as well realize that you will absolutely disrupt this bill.

Mr. NEWTON of Minnesota. Will the gentleman yield there?

Mr. FROTHINGHAM. Will the gentleman yield?

Mr. BYRNES of South Carolina. I yield first to Governor FROTHINGHAM.

Mr. FROTHINGHAM. I have listened to the gentleman with great attention, and he has absolutely persuaded me. I think he is entirely right, and I should like to ask him, where are we going to stop if we start in doing something like this?

Mr. BYRNES of South Carolina. I congratulate the gentleman, who is an emergency officer, but who is fair enough to appreciate that we have done our level best to be fair to the emergency officers, because the Lord knows I had no other desire, and I contend that there is a positive discrimination against others. I am glad my friend from Massachusetts agrees with me.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota [Mr. NEWTON].

The question being taken, on a division (demanded by Mr. NEWTON) there were—ayes 12, noes 71.

Accordingly the amendment was rejected.

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

The CHAIRMAN. The gentleman from North Carolina offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. BULWINKLE: That section 2, on page 7, be amended——

The CHAIRMAN. The gentleman's amendment refers to section 2, which has not yet been reached.

Mr. JEFFERS of Alabama. I have an amendment to section 1.

The CHAIRMAN. The gentleman from Alabama offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. JEFFERS of Alabama: Page 6, line 5, after the period in line 5, insert: "*Provided*, That all officers now in the Regular service, or who shall hereafter be appointed, who have former commissioned service in the National Guard or Organized Militia, shall be given the same credit for service in the National Guard or Organized Militia as is given in this bill to officers of the National Guard when they are authorized by law to receive Federal pay: *Provided*, That in no case shall such longevity credit exceed 15 years.

Mr. STAFFORD. I reserve a point of order on the amendment.

The CHAIRMAN. The gentleman from Wisconsin reserves a point of order on the amendment.

Mr. HICKS. How does this amendment differ from the one offered by the gentleman a few minutes ago?

Mr. JEFFERS of Alabama. This amendment puts in a limiting clause.

Mr. HICKS. Is that the only difference between this amendment and the one offered a little while ago?

Mr. JEFFERS of Alabama. No; this will not only put in a limiting clause, but it makes it exactly the same as what is in section 3 of this bill provided for National Guard officers, only the amendment that was offered before was a little bit more liberal. Gentlemen of the committee, several ex-service men in the House, including men from both parties, appeared a short time ago at the request of the committee which had this measure in charge and discussed this bill. Ex-service men of the House on both sides were there at that time and have agreed since that this credit to the former National Guard officers for actual services rendered is only fair and just. You see that the committee has no objection to raise to the amendment. The committee did not have this put in the bill, because it was suggested to the committee after the bill was ready to report. But they have expressed no objection to this amendment. There is a fear in the mind of some that this amendment will run longevity credit back to the Spanish-American War and before that, so we put in a limitation providing that the longevity shall not exceed 15 years. There are men to-day in the Regular service who have put in many years of hard labor as officers in the National Guard. When they came into the World War they not only brought themselves but they brought the regiment, the battalion, or the company. We are not asking for any longevity pay except for services as an officer. We have gone through the register to show you that there is not a large percentage involved, only a small percentage—these ex-National Guard officers in the Regular Army who had former commission service in the National Guard.

Mr. GREENE of Vermont. Will the gentleman yield?

Mr. JEFFERS of Alabama. I will.

Mr. GREENE of Vermont. Is this going to affect anything but the pay; will it affect the promotion?

Mr. JEFFERS of Alabama. No.

Mr. GREENE of Vermont. How long before they will be here asking to change the promotion list on exactly the same basis?

Mr. JEFFERS of Alabama. I do not understand it that way. Now, I want to call attention to section 3 of the bill, which provides that when officers of the National Guard are authorized by law to receive Federal pay for any kind of service at all, even on special duty at Washington or otherwise, they shall receive credit in figuring the longevity of their former service in the National Guard. For instance, if a colonel in the National Guard is detailed on duty at Washington for 12 months, he comes here, draws his pay as a colonel, and rightfully draws longevity pay for his former service in the National Guard.

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

Mr. JEFFERS of Alabama. Mr. Chairman, I ask for five minutes more.

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

There was no objection.

Mr. JEFFERS of Alabama. When he is detailed on duty for any length of time and draws his pay he gets credit for his commissioned service in the National Guard.

Now, it does not run back to such a long time as you might think. The majors, for example, will average only about five years and eight months. The captain only about two years and six months on an average.

Section 3 provides for the National Guard officers in any of the Federal services, and all this amendment seeks to do is to ask the same thing as the bill now provides for the National Guard officers in the Federal service. The service men in the House on both sides were before the committee, as I have said, and suggested that this should go in, and they know it is right.

Any service man on either side of the House will tell you that they know that this proposition is a matter of right and justice. As I have said, section 3 provides that in computing the increase of pay in the Federal service officers shall be credited with full time for all periods they have held commissions as officers in the National Guard, and all we are asking is that this group of men, the National Guard officers now in the Regular Establishment, shall have the same credit.

Mr. FROTHINGHAM. Will the gentleman yield?

Mr. JEFFERS of Alabama. I will.

Mr. FROTHINGHAM. As I understand, the gentleman's idea is that these men shall get the same pay for the time they were in the National Guard that they would have had if they had been in the Regular Army?

Mr. JEFFERS of Alabama. It is limited.

Mr. FROTHINGHAM. In the National Guard they served only once or twice a week.

Mr. JEFFERS of Alabama. Oh, but they served more than that; they sometimes served every day, and they were subject to personal expenditures in building up the guard.

Mr. FROTHINGHAM. The officer of the National Guard does not give his life to it; he has other business. I have been in the National Guard, and I know what the service is, and you do not give your life to it.

Mr. McSWAIN. He does not give his life to it in the Regular Army; he is not tied to it; he can resign.

Mr. JEFFERS of Alabama. The gentleman knows that many an officer in the National Guard gave his time and very often his money.

Mr. FROTHINGHAM. Well, then, the State ought to pay him.

Mr. JEFFERS of Alabama. Oh, I beg the gentleman's pardon—they received no pay commensurate with the services rendered.

Mr. GREENE of Vermont. Does the gentleman expect the Federal Government is going to give a man a higher rate of pay when he goes into the service because, forsooth, in some employment he had in the past his other employer did not give him enough?

Mr. JEFFERS of Alabama. No; I am merely contending for the ex-National Guard officer now in the Regular service what section 3 provides for to-day.

Mr. GREENE of Vermont. That means that you would take a man who has adopted the profession as a life work and put him at a disadvantage.

Mr. JEFFERS of Alabama. Oh, no; it would not.

Mr. GREENE of Vermont. Yes; it would. You give one man credit for an imaginary time or service, while the other man has had to mark his time by actual physical existence in it.

Mr. JEFFERS of Alabama. This is limited to 15 years; so that he can not get over that.

Mr. BLAND of Indiana. Mr. Chairman, will the gentleman yield?

Mr. JEFFERS of Alabama. Yes.

Mr. BLAND of Indiana. There has been some objection to giving full credit for the time that a National Guard commissioned officer serves?

Mr. JEFFERS of Alabama. Yes.

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

Mr. JEFFERS of Alabama. Mr. Chairman, I ask unanimous consent to proceed for three minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. BLAND of Indiana. Would the gentleman have any objection to a modification of his amendment to say that he should have, say, credit for one-half the time served? I want to give them credit for some of the service.

Mr. JEFFERS of Alabama. A captain would get only two and a half years, approximately, and under the provision the gentleman suggested it would give the captain credit for one year and two and a quarter months. Seventy-five per cent of the time would be more nearly commensurate, and I would accept a modification of the amendment to that extent, and I think in doing that it is yielding a great deal.

Mr. BLAND of Indiana. I do not think he ought to have full credit, to the extent that an officer would if he is serving in the Army, but I do think that he ought to have some credit. I think there should be a fair compromise on that proposition.

Mr. JEFFERS of Alabama. Mr. Chairman, I ask unanimous consent to modify my amendment to have it provide for 75 per cent.

Mr. STAFFORD. Mr. Chairman, I withdraw the reservation of the point of order on the original amendment.

The CHAIRMAN. The Clerk will report the proposed modified amendment.

The Clerk read as follows:

Modified amendment by Mr. JEFFERS: Page 6, line 5, after the period, in line 5, insert: "*Provided*, That all officers now in the regular service or who shall hereafter be appointed, who have had former commissioned service in the National Guard or Organized Militia, shall be given the same credit for 75 per cent of such service in the National Guard or Organized Militia as is given in this bill to officers of the National Guard when they are authorized by law to receive Federal pay: *Provided*, That in no case shall such longevity credit exceed 15 years."

The CHAIRMAN. Is there objection to the request of the gentleman from Alabama to so modify his amendment?

There was no objection.

Mr. OLIVER. Mr. Chairman, I wish to make just a short statement in connection with the pending amendment, and which was suggested by the question asked by the gentleman from Vermont [Mr. GREENE]. This bill in a subsequent section gives credit for certain service to National Guard officers when serving with a Federal recognized National Guard, but it fails to allow an officer commissioned from such National Guard in the Regular Army to further claim credit for the service that he was entitled to claim credit for while serving as an officer of such Federal National Guard. The amendment as modified claims less service for an officer in the Regular Army commissioned from the National Guard than this bill allows to the same officer when serving as an officer with the National Guard and drawing Federal pay.

Mr. GREENE of Vermont. What does the gentleman mean by Federal pay? Under the National Guard act they get Federal pay without Federal mobilization. They get the monthly Federal pay.

Mr. OLIVER. Yes; and they are entitled to increased pay by reason of certain service, as set out in section 3 of the pending bill.

Mr. GREENE of Vermont. Is that what the gentleman means by Federal pay?

Mr. OLIVER. Yes; it is the pay that they receive from the Federal Government while serving as officers of the National Guard when recognized by the War Department.

Mr. GREENE of Vermont. But they are not called into the national service.

Mr. OLIVER. The gentleman falls into the mistake of not remembering that this bill proposes to give these officers while serving with National Guard organization, when recognized for Federal pay, credit for certain service in the National Guard before and subsequent to 1916, as shown by section 3 of the bill. Now, when an officer thus draws Federal pay in the National Guard and has that Federal pay increased by service under section 3 of this bill as proposed, why should that same officer, if commissioned in the Regular Army, be denied credit for the same service that he was entitled to while serving with the National Guard under Federal recognition?

Mr. McSWAIN. Mr. Chairman and gentlemen of the committee, the reason for longevity pay, as I understand it, or at least one of the reasons, is to increase a man's pay upon the assumption that duration of service makes him more efficient. I submit that the officers of the National Guard have developed by their experience in the National Guard the indispensable qualities of leadership to an extent greater even than the officers in the Regular Army; and why? Because the man in the Regular Army has the enlisted men under him, and they are tied to him, and he can say, in the language of the Bible, "Go and do," and the men must; but the man who is an officer in the National Guard must have the quality of inspiring men, of leading, of inducing the civilians to come out to his drill once a week, to join his organization, to stay by the organization during all the dull, monotonous years of peace—to soldiers—in order that they may have an organization to serve their country in time of war. The gentleman from Vermont suggests that it is unfair to put the National Guard officer upon an equality of pay with the Regular officer, in respect to the matter of longevity pay, because the Regular officer, as the gentleman said, has made the Army his life's work, whereas the national guardsman goes into the Army as an afterthought.

Why is he here? Not as an "afterthought" but on account of the emergency of his Government. When the service was expanded, when they wanted more officers than the Regular Establishment could furnish, then what did the Regular Establishment do? Why, they had the pick, and they hand picked the men from the emergency officers who asked for commissions in the Regular outfit; and I submit to you, gentlemen, that the men in the Regular Establishment who were drafted as a result of this emergency, or at least who came in as a result of this emergency when the establishment was expanded, are among the very best men in the service. Now, why? Because they have got back of them a broad idea of the business of civil life. They have something more than a narrow-gauge idea. They know something more than the particular details of military routine that starts in the morning with reveille and ends with taps at night. They know something about our life from which the Army is drawn, for which the Army exists, for which the Army is paid; they know something about the people, about the people's homes from whom the boys come. They also know, too, the source from which the money comes upon which the Army lives and how to earn and save money. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. LINEBERGER. Mr. Chairman, I think the gentlemen who just preceded me, the two gentlemen from Alabama and the gentleman from South Carolina, particularly, have touched on the very crux of this situation. These men who are affected by the amendment of the gentleman from Alabama [Mr. JEFFERS] are undoubtedly the picked men of the National Guard. They are the men who for years past in this country have been associated with the rank and file of the young Americans who made up the fighting forces in the great World War, and who will make up the fighting forces in any future emergency that may arise. I do not think it is fair to penalize these men for the patriotic and efficient services which they have rendered in the past in the great scheme of national defense. I believe that there is perhaps at this time in the country just a little feeling that the citizen-soldier element of the Army, a part of which is composed of ex-National Guard and the reserve officers, is being somewhat discriminated against in Army legislation coming before Congress. I do not believe that the Congress and the country can afford to have this feeling spread throughout the great mass of patriotic young Americans who have been ever ready in the past, and will be ever ready in the future, to come to the defense of their country in an hour of emergency.

Mr. GREENE of Vermont. Will the gentleman yield?

Mr. LINEBERGER. I will.

Mr. GREENE of Vermont. The gentleman does not mean to look upon employment in the Regular Army as in any sense a reward for patriotic services?

Mr. LINEBERGER. I understand the views of the gentleman from Vermont thoroughly, I think, and, as he knows, I am in accord with him on the general proposition which he has stated. As I started to say, I have never been an officer in the National Guard. I never got beyond the grade of a buck private before the war, but I do know something of the services that the men affected by this amendment have rendered, both as officers of the National Guard organizations which served in the World War and as men who have had practical experience in dealing with men, and those who have gone into the Regular service, as very aptly stated by my friend from South Carolina [Mr. McSWAIN], were the pick of the National Guard officers. I think when the gentleman from Alabama [Mr. JEFFERS] amended his amendment to read three-fourths pay instead of full longevity pay he went a long way. I do not pretend nor claim to the House to have intimate knowledge of this subject, but I do believe if the amendment is passed that the millions of ex-citizen soldiers in this country would feel that those who have gone into the ranks of the Regular service after having served patriotically in the National Guard were at least getting a square deal. [Applause.]

Mr. GREENE of Vermont. Mr. Chairman, I do not believe it is a question of whether anybody gets a square deal in the Army any more than if he went into the plumbing business, or the jewelry trade, or anything else. We must not look upon the Regular Army as an institution that is particularly holding out rewards to people for something they did before they went into it. The Regular Army is an institution, an every-day, present-day service, an agency of the Government that assists to operate——

Mr. LINEBERGER. Will the gentleman yield?

Mr. GREENE of Vermont. Certainly.

Mr. LINEBERGER. Does not the gentleman think that morale is an element in the Regular Army the same as it is in any other walk of life?

Mr. GREENE of Vermont. Well, it should be carried into it by the individual, and not a grouch.

Mr. LINEBERGER. Does the gentleman feel morale would be maintained when men who form a certain element of the

force of the Regular Army feel they are not getting a square deal?

Mr. GREENE of Vermont. Why, if they have a just cause and not a propaganda.

Mr. LINEBERGER. Are they the ones to decide it or not?

Mr. GREENE of Vermont. No; the Government is to decide, and one of the troubles——

Mr. JEFFERS of Alabama. What does the gentleman have reference to when he speaks of men going into the Army with a grouch?

Mr. GREENE of Vermont. I was taking him at his word. The gentleman stated——

Mr. JEFFERS of Alabama. I think the gentleman from Vermont misunderstood the gentleman. These men coming into the service brought battalions and regiments with them, not grouches.

Mr. GREENE of Vermont. Oh, no. Nobody brought any regiment into the war with them. The regiment that got there came either voluntarily or by draft.

Mr. JEFFERS of Alabama. They did bring them in. Certainly National Guard outfits that came into the World War came in under the same old organizations from my State and other States, and the men who built them took them to France and fought with them there, and to them is due some credit for that former struggle to build that National Guard.

Mr. GREENE of Vermont. It is all right as to the National Guard. When you read over to-morrow morning what you said to-day, you will think twice about some of the sentences. The gentleman did not make the accurate statement he had in mind.

Mr. JEFFERS of Alabama. I know very well what I said, and I stand on my statements.

Mr. BLAND of Indiana. The gentleman will concede that the National Guard officers that came into the service and entered the Regular Army must be the pick and must have much merit to stick as against the Regular Army machine?

Mr. GREENE of Vermont. I do not concede any such thing, because, in the first place, I know something about the facts, and I know about the facts under conditions and circumstances that perhaps the gentleman from Indiana [Mr. BLAND], with his most excellent discretion, might not have had the same chance to learn as I have had.

Mr. BLAND of Indiana. It is your opinion that these men who are good enough to stick ought not to have any credit for their long years of service in the National Guard?

The CHAIRMAN. The time of the gentleman has expired.

Mr. LINEBERGER. Mr. Chairman, I ask that the gentleman have five minutes more.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. GREENE of Vermont. I want to say that we are in duty bound, as people who are intrusted with the Government of the United States, to regard its agencies as matter of fact, practical business institutions and not try to invest employment in them with any sentiment or any features of reward for something that somebody did at some other time. We must not confuse the nature and design and spirit of a war-time citizen army with the professional army maintained in both peace and war. Nor must we feel that we have an obligation to change the rules of an existing institution in order that somebody that wants to get into it or is in it already can have an advantage that he otherwise would not have and that those already in it before his time do not have. When people seek admission to an institution they should expect to meet the institution's demands for qualifications, not to have the order of the institution changed to suit their qualifications. These Regular, or professional, soldiers hire themselves out to us as guardians of the peace and other activities that the Army is instituted for. That is a cold-blooded business proposition, and these men adopted it as a profession and life occupation for hire. When you assemble the candidates that want these positions, then you take into consideration what every private concern does—their qualifications.

Mr. FROTHINGHAM. Will the gentleman yield?

Mr. GREENE of Vermont. I will.

Mr. FROTHINGHAM. The thing I can not understand is, provided it is an obligation, whether it is on the Federal Government or on the States.

Mr. GREENE of Vermont. I would like to get an opportunity to discuss some phase of it, but I find my time is slipping away.

Mr. FROTHINGHAM. I would be glad to give you some more time. I do not understand why it should not apply to the enlisted man as well as the other.

Mr. GREENE of Vermont. The time the gentleman is giving me is like getting me to put up a swing so that some other boy can swing in it. [Laughter.]

Now, I do not care how much exception anybody takes to the statement. When we come to consider just exactly what we are maintaining these agencies for, it resolves itself into a matter of men who are professional soldiers letting themselves out to us for hire and making a life-time occupation of it. It is their business and trade. We are talking of the professional standing Army of the United States in peace time as well as in war. When you come to canvass the candidates who present themselves for commissions in this Army, it is proper you should take into consideration the qualifications they possess, and consideration was given to those qualifications of these young men when they applied for admission to the Regular Army in 1920 by the grade they went into then. That is the point that you folks are not paying attention to here. They were canvassed at the time, and the boards who heard their qualifications and canvassed them put them into the grade they were thought best qualified to serve in.

Now, then, another thing. For the first time in the history of the country men were, by the Army organization act of 1920, taken into the Regular Army at a grade above second lieutenant. Now, mind you, all the old-time Regulars—using the word "old-time" in the sense of pre-war or during the war—began as "shave-tails," second lieutenants, every one of them. They developed from "shave-tails" into different grade or rank afterwards, during the war or since.

Their records are made up on actual time served in their profession, and in most instances, with the exception of some men that were taken in after the Spanish War some 24 years ago, these young men began their life at 21 or 22 years as commissioned officers in the United States Army, just the same as a man who goes out and practices law, or becomes a dentist, or follows any other business, starts it as his occupation when he has arrived at his manhood. Now, we see men who started out in life in this occupation or another one, engaged in that or the other one, and finally getting acquainted with military life in its different aspects by reason of the war, at the end of the war say, "I like the Army so well I would like to stay in it." It is all right, and the Army is glad to get such men if they are good men. But the question is whether the obligation on the part of the Government is to say to these men now as a second——

The CHAIRMAN. The time of the gentleman has expired.

Mr. GREENE of Vermont. Mr. Chairman, I would like to have three minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. GREENE of Vermont. This candidate says, "Now, as a second choice in my life"—keep that in mind, if you please, gentlemen—"as a second choice in my life, having been engaged heretofore in another occupation, having come by some accidental circumstances to make application and enter this one as a second choice in my life, I will go into the Regular Army; but the Government, to be fair to me, must make up to me the years I was not in its Army, because of the fact that I was following another choice."

That is what the effect of this thing is as a general principle. And I also realize that, if you come to apply that same idea and theory, you must not trust to the law of averages here, if you please, Mr. Chairman.

People can show what the "law of averages" does apparently to prove their point, because they can show you that from this extreme or that one the range is only a certain percentage, but they do not show you the high places that stick up in range and where the advantage is that comes to certain groups or classes of men who may be behind the legislation. Look out for it. You can not reduce this thing to a law of averages. The only thing to do is to take a fairly safe and reasonable general principle. In no other occupation in the world would you say to a man who came into it as a second choice that he should have laid up for him the longevity that represented all the time that he put in another business before he came into that one. It would not make any difference whether he had had some opportunity to acquire some experience or not.

Mr. OLIVER. Mr. Chairman, will the gentleman yield there?

Mr. GREENE of Vermont. I regret I can not. I do not mean to be discourteous.

That is true even if he had experience as a National Guard officer. I was a National Guard officer myself at one time and wound up by serving in the war with Spain. I am not against the citizen soldier. No. But we are dealing here with something besides sentiment and a spirit of gratitude. We are dealing with one of the agencies of our Government, one of the most highly specialized occupations in the Government service, and we can not fool around with special instances to arrange something so that some men who voluntarily came into this business will be satisfied after they have gotten in. If after they have

voluntarily come into this business they find they are not satisfied with the occupation they have chosen as a second resort, let them go voluntarily out.

Mr. LAYTON. But did they come in voluntarily?

Mr. GREENE of Vermont. Certainly.

Mr. LAYTON. Oh, no. They were driven away from their accustomed occupation by an emergency. [Applause.]

Mr. GREENE of Vermont. If that is true, the gentleman would have a hard time in demonstrating it. They preferred to go into the Regular Army after the war, and they expressed that choice. They never were under compulsion for one moment.

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

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

Mr. OLIVER. Mr. Chairman, I ask unanimous consent that the gentleman may proceed for one minute more.

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

There was no objection.

Mr. OLIVER. Without expressing my own opinion one way or the other——

Mr. GREENE of Vermont. But the gentleman wants to get me to [laughter]——

Mr. OLIVER. I would like to know how the gentleman differentiates between the service proposed to be given by this bill to an officer while serving in the National Guard drawing Federal pay and not giving such service to him, if he is commissioned in the Regular service?

Mr. GREENE of Vermont. He is in two different institutions entirely.

Mr. OLIVER. In both he is drawing Federal pay.

Mr. GREENE of Vermont. That does not make any difference.

Mr. OLIVER. And the very service that counts on his Federal pay as a National Guard officer is asked to be counted when he is commissioned in the regular service.

Mr. GREENE of Vermont. In the one instance the Federal Government has to offer an inducement to the man who has a gainful occupation in peace times to occupy some of his spare time——

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

Mr. STAFFORD. Mr. Chairman, I ask unanimous consent that the gentleman may proceed for three minutes more.

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

There was no objection.

Mr. GREENE of Vermont. I do not care for more time. I have no desire to be vain and display myself out here.

The CHAIRMAN. The gentleman from Vermont has three minutes.

Mr. GREENE of Vermont. I will say that in the one instance the policy of the Government is to be generous enough in the maintenance of the National Guard, so that the right kind of men, who are otherwise following gainful occupations in their peace-time life as citizens, will be induced to give some part of their leisure and take some part of their other time in attempting to build up military instruction in civil life. The pay does not represent alone actual service in instructing or in training men. It means that the young citizen who undertakes to train as an officer has other things to do. But he can not bring that into the Regular Army as part of his service as a soldier. When he goes into the Regular Army, then his pay roll is made up not on the idea of any sacrifice he makes to serve the Government but by what he actually does to earn his living, because it is his duty to serve the Government night and day. There is no sacrifice about it. It is his occupation. It is a widely dissimilar thing.

You do not expect a National Guard officer to claim—and the best ones I ever saw never pretended—that they knew as much about the details of the military business as the Regular officers. They can not be expected to and nobody does expect it of them. But the qualities that make for leadership in the National Guard, under the conditions that obtain in the National Guard, are splendid qualifications for service in the Regular Army. I was a Volunteer officer once, but I was exceedingly glad to get back to my old job again when my service terminated.

Mr. LAYTON. That may be true, but then you were not in the Regular Army.

Mr. GREENE of Vermont. No. But these men, I say, were glad to get into the Regular Army.

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

Mr. GREENE of Vermont. Yes.

Mr. CHALMERS. I may mention the fact that in normal schools and similar institutions the board of education and superintendent have been appealed to sometimes to designate pupils in the senior class to act temporarily as substitutes in the absence of the regular teachers, but it is not the custom, when such seniors have rendered that service as substitutes, to credit them with that time in computing their record for the salary schedule afterwards as teachers.

Mr. GREENE of Vermont. No.

Gentlemen, in this matter we ought not to allow sentiment to get the better of our good judgment.

Mr. PARKER of New Jersey. Mr. Chairman, longevity pay as proposed in this bill is needed in the Regular Army. This amendment practically destroys the whole principle of longevity pay there. Longevity pay in needed in the Regular Army not merely because of the greater efficiency of an old officer but because of the injustice of fixing pay solely by rank when promotion is sometimes slow.

It was as long ago as 1896, 30 years after the Civil War had ended, that I had occasion to look into this subject, and found that because the Army had been filled with young men after the Civil War, and because few died and none resigned, it was true at that time that 11 lieutenants in the Artillery and 4 in the Infantry had served 30 years before in the Civil War and had never got any promotion. Nearly half of the captains were in the same position; about two-thirds of all the majors, including all who were in the line except two, were in the same plight. All the lieutenant colonels and all the colonels were also Civil War veterans.

In 1896 I reported the facts as follows:

> It suffices to say that of the 71 colonels appearing in the Army Register (p. 266), only 1, a staff officer, did not serve in the war. The same is true of the 91 lieutenant colonels. Of the 209 majors, 150 served in the Civil War, including all officers of the line, except 1 each in Cavalry and Infantry, the other exceptions being staff appointments. There are 29 veteran captains in the staff, 32 in the 10 regiments of Cavalry, 36 in the 5 regiments of Artillery, and 127 in the 25 regiments of Infantry, all of whom likewise served in the war. No less than 11 war veterans are still first lieutenants in the Artillery and 4 in the Infantry. Of the higher grades, about half were Volunteers in the war. Of the captains and lieutenants, almost all were taken for their merit from the Volunteer regiments of the Army, the few exceptions being in the Artillery, where the promotion appears to have been slower than in the other branches.

During those 30 years there had been almost no promotions.

Now we have had another great war and have officered our Army from top to bottom with young men. The number of officers is likely to be decreased rather than increased in the years to come. No promotion is in sight; and it is right that some arrangement should be made by which long service should be paid by longevity pay. I proposed this in 1907 and said that it was then, as I believed, right; that it should be introduced as the only mode of pay. It is now introduced as a part of the mode of pay.

Now a second reason lies in the differences between the various services. I found in 1907 that by reason of the greater proportion of higher ranks in the Navy and by reason of the different arrangement of the grades over 40 per cent of the naval officers received the pay of major, and less than 16 per cent of the Army officers received the same pay. Promotion was fast in the Navy, because there were more high officers in that service and low in the Army. Instead of giving officers the same pay for the same rank, this bill will give them pay for their length of service, which is right.

In 1907 I suggested that longevity pay might be the cure of the evil. It would likewise give an opportunity that was much needed by the Army. We have abolished promotion by regiment, which used to keep regiments together, so that a man stayed in the same regiment until he was a captain. We abolished that, because promotions were unequal in different regiments. If the pay were raised because of length of service, we could restore regimental promotion, because if officers got the same pay they would not need the extra rank.

The CHAIRMAN. The time of the gentleman from New Jersey has expired.

Mr. PARKER of New Jersey. I ask for five minutes more.

The CHAIRMAN. The gentleman from New Jersey asks unanimous consent that his time be extended five minutes. Is there objection?

Mr. STAFFORD. Mr. Chairman, reserving the right to object, I should like to inquire of the gentleman having charge of the bill whether we are going to read any line of the bill to-day?

Mr. McKENZIE. I should hope so.

Mr. STAFFORD. We have been in session three hours and a half and have not read one line. When may we expect to

vote on the amendment offered by the gentleman from Alabama, which had been virtually rejected earlier in the day?

Mr. McKENZIE. I will say to the gentleman from Wisconsin that I am ready to vote at any time. I should like to have about one minute.

The CHAIRMAN. The gentleman from New Jersey asks unanimous consent that his time be extended five minutes. Is there objection?

There was no objection.

Mr. PARKER of New Jersey. Mr. Chairman, I would not have taken time except that I think the principle upon which longevity pay is to be granted to officers of the Army has been forgotten. The principle is threefold; first, because experienced officers are the best; second, because promotion is so unequal and likely to be so unequal; third, because it is so unequal in the different branches of different services, and the pay ought to be according to length of service. Now, this amendment takes away all of that system. I was an officer of the National Guard for 10 years. It did not interfere with my practicing my profession. Many men are officers of the National Guard. Many men serve as privates in the National Guard. Unless they see service in the field they are not entitled to be considered in the service of the United States, and therefore to draw longevity pay. They get the glory of a place in the National Guard. It is considered by a great many people as a very pleasant thing to be an officer in the National Guard. They are put on governors' staffs. They go from place to place in the State. They wear uniforms. There are rewards of that sort that come from service in the National Guard, and it is not the regular, hard service which entitles a man to increase of pay whether he receives promotion or not; especially when in time of peace a man remains in the lower ranks of the Regular Army, as some officers did at one time for over 30 years. It was so bad then that at one time, in order to give them some chance, President McKinley adopted the plan of promoting a colonel to be a general and retiring him, and then another and then another, so as to provide pay on the retired list for the old colonels who had been officers in the Civil War. This bill will prevent the need of any such remedy as that, and will see that the officers of the Army and the Navy and the other corps mentioned in this bill are happy in their work and are properly rewarded for the service that they have performed in the Regular Army, not for service that they performed elsewhere.

The CHAIRMAN. Debate on this amendment has expired.

Mr. BLAND of Indiana. Mr. Chairman, in what manner has the debate on this amendment expired?

The CHAIRMAN. Because the Chair refuses to recognize anyone else.

Mr. BLAND of Indiana. A point of order, Mr. Chairman. I must insist on my rights. Until debate is closed by the committee I have a right to be recognized.

The CHAIRMAN. The Chair has been very liberal.

Mr. BLAND of Indiana. It is not in the province of the Chair to shut off debate until the committee does it.

The CHAIRMAN. Then the Chair is certainly unacquainted with the rule. The rule says that when an amendment is offered there is one speech allowed in favor of it and one against it. If debate is continued beyond that, it is because of the fact that the Chair thinks the debate ought to continue longer, and the Chair has allowed this debate to continue for a very long time. So the Chair does not recognize the gentleman. The question is on the amendment offered by the gentleman from Alabama [Mr. JEFFERS].

The question being taken, on a division (demanded by Mr. JEFFERS of Alabama) there were—ayes 21, noes 49.

Mr. BLAND of Indiana. Mr. Chairman, I object to the vote and make the point of order that there is no quorum present.

The CHAIRMAN. The gentleman from Indiana makes the point of order that there is no quorum present. The Chair will count. [After counting.] One hundred and eleven Members present, a quorum.

Mr. STRONG of Kansas. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Kansas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. STRONG of Kansas: Page 7, line 3, strike out the period, insert a colon, and the following: "*Provided*, That no payment shall be made to any person under the provisions of this act which will increase the pay and allowances of such person to an amount greater than now provided by the act of May 11, 1908, with the addition thereto of the bonus pay provided by the act of May 18, 1920."

Mr. STRONG of Kansas. Mr. Chairman and gentlemen of the committee, the purpose of this amendment is to make sure that the provisions of this bill will not increase the pay of the officers of the Army beyond that to which it was raised by Congress in May, 1920, when we had the highest peak of the high prices on account of the war.

The various provisions of this bill regarding the pay of officers of the Army make it so complicated that unless one has been a member of the committee and given much study, not only to all the provisions of this bill but to all the provisions of existing law, it is impossible to determine what pay is given to the various officers of the Army by this bill.

It does seem to me that when we are trying to reduce expenses, when we are trying to get the salaries and prices down, when we are trying "to get back to normalcy," we should not increase the salaries of the officers of the Army beyond what the Congress determined they should be when the living costs in this country were the highest in its history. In May, 1920, we granted additional compensation to officers of the Army in view of the increased cost of living. It does seem to me now that we ought not to pass any legislation which would increase that salary or compensation.

Mr. LAYTON. Will the gentleman yield?

Mr. STRONG of Kansas. I will.

Mr. LAYTON. Do I understand the gentleman to assert without contradiction on the part of the committee that this does actually increase the pay of the Army officers over that of the act of 1920?

Mr. STRONG of Kansas. I am informed that it does increase the compensation of many in the Army beyond the act of 1920. We saw a schedule the other day presented by the gentleman from South Carolina [Mr. BYRNES] in which the salaries were shown to go far beyond what I think the Members of this House thought the officers of the Army could draw. I am not familiar enough with this bill; I am not expert enough in legislation concerning the Army to determine from its various phrases and paragraphs what salary will be paid, and I am introducing this amendment, which, if adopted, will make sure that the salaries of the officers of the Army are not increased beyond that provided by the act of 1920. I am not asking to reduce the salaries of anyone. I am only trying to make sure that they will not be increased.

Mr. McKENZIE. Mr. Chairman and gentlemen of the committee, I think you probably clearly understand the purport of the amendment offered by the gentleman from Kansas, my good friend Mr. STRONG. That amendment, I am inclined to think, in his mind is aimed at the colonels and lieutenant colonels in the Army. It is true that under this bill, constructed as it is, with the progressive raise in pay from the commission of the second lieutenant up to colonel, after 30 years' service will raise the pay of lieutenant colonel and colonel to some extent over the bonus. If you have examined the chart in the Speaker's lobby, you have noticed how the lines run indicating the pay provided by the bonus—that it jumps the majors way up out of all proportion whatsoever and drops down and hits the grade of lieutenant colonel and colonel. I understand something about the prejudice that rests in the minds of some against the higher officers, but I want you to think of this: That this does not only affect the colonels and lieutenant colonels in the Army; this amendment is more far-reaching than that. If that was all that it did, we might be willing to concede that the Army should be penalized, but this amendment strikes at the very heart of the one service that I think every man in this House loves, and that is the Coast Guard Service. It is up to you gentlemen now, if you want to vote for this amendment and say that the old boys that have been riding the Coast Guard ships on the stormy Atlantic, up in Alaska, and all over the world shall be limited to the pay that they are now receiving, because they are denied the right to be promoted beyond the grade of colonel, you can do it. They can not get up into the grade of brigadier general or admiral or rear admiral. They are limited to the grade of colonel, and this amendment not only hits the men in the Army but strikes the death blow to the old veterans of the Coast Guard, some of whom have been in the service for 40 years.

Now, how much will it save? There are only a few men who will reach the grade of colonel. I have contended from the beginning that the bill is founded on principles that are as solid as the eternal hills, and there is not one line in it that is intended to take advantage of the people of this country. It is simply to keep faith with the men who have made our country grand and glorious, the men upon whom we rely. I want to appeal to you to lay aside your prejudices and let this thing go on, and let these few men who will soon go out of the service get the benefit of it, and hereafter those men will have to serve 30 years as commissioned officers and attain the grade of colonel before they can get the maximum pay provided for in this bill.

Mr. KRAUS. Mr. Chairman, I want to take one minute to have the question presented here clearly defined. My friend from Illinois has appealed to you in the interest of the Coast Guard. The Coast Guard, the Army, and every one of these services receives the benefit of the act of May 18, 1920. Now, what is the question here? It is clear and well defined. The gentleman from Kansas stated that he wants the question settled—are you willing to increase the wages, the pay, above the peak of 1920? His amendment fixes as a maximum in every instance the pay provided by the act of 1908, together with the additional pay under the bonus act of 1920. Now, the question is, Does the House propose to have it possible that pay may be secured above the peak of 1920?

Mr. NEWTON of Minnesota. Will the gentleman yield?

Mr. KRAUS. I will.

Mr. NEWTON of Minnesota. If I may suggest, the case of the Coast Guard is somewhat different from that of the Army and the Navy, for their rank has been much lower and consequently their pay has been much lower for years. Under this bill with the limit off they get the benefit of the bill, but under the gentleman's amendment they can draw no more money than under the old plan.

Mr. LINEBERGER. Mr. Chairman, I make the point that no quorum is present.

Mr. KRAUS. Will the gentleman wait until I get through?

Mr. LINEBERGER. I will withdraw the point.

Mr. KRAUS. The Coast Guard to-day gets the benefit of the act of 1920, and this amendment does not prevent them from getting the bonus. Promotion in the Coast Guard has been inordinately slow, unfair, as a matter of fact, but that is not a matter that should be corrected by pay legislation. It should be corrected by basic legislation. Further, it is not fair and just to either the taxpayer or to the members of the Coast Guard to place upon the shoulders of the Coast Guard the burden of carrying the advanced pay for all of these other services.

Mr. NEWTON of Minnesota. I am speaking about the gentleman's amendment, and a man in the Coast Guard ranking as lieutenant, senior grade, if he was in the Navy would be either a commander or be up on the list of lieutenant commanders, and this bill by going to the basis of years of service would correct that injustice, and along comes the amendment of the gentleman from Kansas [Mr. STRONG], sweeping in its nature, and not only the Army and the Navy but the Coast Guard is wiped out from getting the benefit of this act.

Mr. MADDEN. The gentleman from Kansas simply provides in his amendment that no person shall get more pay under this act than he is getting under the 1920 bonus act, and they are all getting that now, and does the gentleman from Minnesota realize that it costs $70,000,000 a year to carry that bonus? That is what we are doing.

Mr. NEWTON of Minnesota. The purpose of this committee is to correct some of the injustices growing out of the discrimination against the Coast Guard.

Mr. KRAUS. I understand the position of the gentleman from Minnesota, and in order to take care of slow promotion in the Coast Guard he is willing to saddle on the Treasury an enormous expense for all of these other services, instead of really undertaking to solve the particular problem by proper legislation. As a matter of fact, the Coast Guard to-day right on this floor is carrying on its back all these services, because it has been recognized that there is an inequitable situation there.

Mr. NEWTON of Minnesota. And the gentleman's committee has been trying to correct it by basing it upon years of service, but the amendment of the gentleman from Kansas destroys that principle.

Mr. STRONG of Kansas. Mr. Chairman, will the gentleman yield?

Mr. KRAUS. Yes.

Mr. STRONG of Kansas. Of course, my amendment was not directed to any special class of officers. My amendment is an attempt to have the House say that it does not intend to raise the pay of the officers of the Army beyond the peak of 1920. If there is any class of the service which is underpaid, it would be a good thing to bring in a bill to increase their pay. I think this amendment ought to pass. If my friend wants to offer an amendment to my amendment excluding the Coast Guard, I should be very glad to accept it. I think, however, that there ought to be a limitation now in respect to the salaries that we are going to pay.

Mr. MADDEN. Mr. Chairman, I move to strike out the last two words. The act of 1920 did this. It raised the compensation of captains, $840 a year, if I recollect correctly, and the pay of colonels $600 a year, and it raised other men with varying ranks in proportion. It cost the people of the United States $70,000,000 a year. That is what it costs. The amendment of the gentleman from Kansas does not attempt to reduce that cost, but by the amendment he desires to prevent a higher cost. Are you ready to go higher, or are you ready to limit the cost? There is a time coming when we must report our action to somebody other than the Members of the House. The amendment of the gentleman from Kansas [Mr. STRONG] is fair. It is fair to everyone. It does not take away from the men in the Coast Guard anything they are getting to-day—not a dollar. It does not increase their pay, regardless of rank, for the years to come, but it does give them what they are getting now. Because you think the Coast Guard is not getting what it ought to have, do you want now to give more pay to men who are getting more pay to-day than I believe they ought to have? We have to account to somebody. Shall we account to the Army and the Navy and to the Coast Guard and to the Public Health Service, or shall we account to the American people? This bill as it is written will cost the people $55,000,000 a year. There is a reduction under the 1920 act of $14,000,000 a year, but where is the reduction made? Not in the commissioned officers' pay. Oh, no. The reduction is made in the pay of the enlisted men. That is where it is made, and every dollar that this bill carries less than the current law, which, by the way, expires by limitation on the 30th of June, if you let it alone, is taken from the pay of the enlisted men.

Can you justify that? Can you say that you are willing to cut the man who is getting $20 or $30 a month and increase the man who is getting $6,000 a year? Where is the justice in that? Are you willing to say that you are going to do that or are you willing to admit the justice of the amendment offered by the gentleman from Kansas? We do not ask you to reduce the pay of these men below what the 1920 act gives them. We ask you to leave them where they are. It costs $70,000,000 a year to leave them where they are. What have you to complain about, and what have they to complain about? Have you any thought of those who can not go on anybody's pay roll? They are not employees of the Government, either in the Army, the Navy, or in any other branch of the Government service. They are tilling the soil and working the plow; they are digging the sewers; they are operating the coal mines; they are running the trains on the railroads, carrying the passengers from one section of the Nation to another, and the products in the same way, here and there and yonder. When the time comes for them to retire from active duty, whose pension roll do they go on? Is there anyone anywhere who will pension these men? No. There is no pension roll for them. They are needed only to pay the bills. When the hour comes that they are no longer able to function, their families may sit in the corner of a fireless room on a cold winter's night while we who are voting their money away by the millions continue to live in luxury. Gentlemen, you can not justify the defeat of the amendment offered by the gentleman from Kansas and then say that you are prompted by the justice of the cause, for there is no justice in the cause.

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

Mr. BYRNES of South Carolina. Mr. Chairman, I regret that I can not agree with my friend from Illinois [Mr. MADDEN]. The fact is, that under this bill there is a reduction in the total appropriation for the commissioned personnel below the current law, and the entire saving of $14,000,000, to which he has referred, will not come out of the reduction in the enlisted personnel.

Take the Army. Under the act of May 18, 1920, we will appropriate for 1926 for the commissioned personnel $53,309,748.08. Under this bill it is $48,768,507.40, and throughout the years to come, down to and including 1941, for which I have figures here, there is a reduction of the amount necessary to pay the commissioned personnel under this bill as compared with the present law. That being true, the question is, How the amount that is to be appropriated for the commissioned personnel shall be distributed. Out in the lobby there is a chart which shows you that fact. It shows you that this committee is attempting to distribute the total appropriation for the commissioned personnel in such a manner as to equitably distribute it, and in such a manner as to afford a gradual promotion during the years and offer to the young man who goes into the commissioned service the hope of a career. Now, let us see what happens. In the lower rank it is not a fact that every officer is going to receive as much under this bill as he is receiving to-day. Hundreds will receive less. If the gentleman from Kansas would say that no man shall receive more than he is receiving to-day under the bonus, and also that no man shall receive less than he is receiving to-day, then one would say that would be fair. The fact is many of the officers, where there has been a rapid promotion, as in the Army, by reason of the reorganiza-

tion act and by reason of the war, will lose in their compensation——

Mr. JOHNSON of Mississippi. Will the gentleman yield?

Mr. BYRNES of South Carolina. I can not yield to my friend.

Mr. JOHNSON of Mississippi. I would like to ask an important question.

Mr. BYRNES of South Carolina. I am sorry I can not yield. In the grades of the organization where there has been rapid promotion there will be a reduction in the compensation for those officers. Now, at the end of the line, as shown by the chart, there is an increase—for whom?

I want to tell you because gentlemen at times are apt to think that when colonels receive an increase over the present compensation that it means old West Pointers. Of the colonels who will receive a slight increase and who would be affected by this amendment, there are 121. Who are they? One hundred and five of them are volunteers who fought in the Spanish-American War, men who never saw West Point, and out of that 121 there is not one West Point graduate. They are the men who are to be affected by this amendment. Of the 704 lieutenant colonels, 603 were volunteers of the Spanish-American War——

Mr. McSWAIN. What became of the West Point volunteers? Have they all got to be generals already?

Mr. BYRNES of South Carolina. No; my good friend knows there are not enough generals for that. What became of them I do not know, but I know this, that they are not among those affected by this amendment. There are 704 lieutenant colonels, and of them 603 were volunteers of the Spanish-American War. Then there are 41 West Point graduates. And of 200 majors, 105 came from the Spanish-American War and only 95 came from West Point. These are the men whose service places them in the fifth pay period and who would be affected by this amendment. Down at the other end of the line man after man will receive less than he receives to-day. If we are going to say that no man receives one dollar more than he is now receiving, should we not say that no man shall receive one dollar less? The purpose of this bill is to take the total appropriation, which is $14,000,000 less next year than this year, and distribute it in such a manner as will be equitable and enable the officer who enters the service to have a gradual line of promotion through the years to come and induce him to stay, instead of having the pay scale in such an unscientific manner as it is to-day, where an officer at one stage of his career can look forward 14 years and see no hope for an increase greater than $200 or $300. Now, because this amendment will enable one man at the end of this line with 26 or 30 years of his life in the service to receive a few hundred dollars more, is it fair to destroy the whole principle of the bill, which provides a gradual promotion through the years to come? I submit it is not and that the principle of the bill is good and I hope will be adhered to and that this amendment will be defeated.

Mr. PADGETT. Will the gentleman yield?

Mr. BYRNES of South Carolina. I yield to the gentleman from Tennessee.

Mr. PADGETT. I wanted to suggest that the act of May 20 was not upon any scientific principle. It was irregular and it increases certain lower ranks out of all proportion to the others, and to make that the standard by which this is to be limited is to destroy the whole symmetry of the bill, as it is based upon scientific promotion.

Mr. BYRNES of South Carolina. Absolutely.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Kansas [Mr. STRONG].

Mr. MAPES. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman from Michigan rise?

Mr. MAPES. To move to strike out the last three words for the purpose of asking a question.

The CHAIRMAN. The gentleman from Michigan is recognized.

Mr. MAPES. May I ask the gentleman from Illinois a question? Would this amendment, if adopted, apply for all time no matter to what grade the man in the service might subsequently be promoted?

Mr. McKENZIE. I presume that is the intention. I so understand it.

Mr. MAPES. The language of the amendment is that no person shall receive any pay under the provisions of this act greater than that which the temporary pay law gives him, without any qualification at all. Is that the way the gentleman from Illinois interprets the amendment?

Mr. McKENZIE. I think it is fair to assume—I do not know how the amendment reads—but I think it is fair to assume that the gentleman from Kansas [Mr. STRONG] undoubtedly intended to have it apply only to the two or three grades that get some increase. He has those in mind, and I am sure my good friend from Kansas, if he realized how far his shot was going if it is fired, would not do it.

Mr. MAPES. If I read the language of the amendment correctly, it provides that a man who is a first lieutenant now can never receive any more pay than he is now receiving, no matter to what grade he may afterwards be advanced.

Mr. STRONG of Kansas. Will the gentleman yield?

Mr. MAPES. I will be glad to do so.

Mr. STRONG of Kansas. That is not the intention of the amendment.

Mr. MAPES. Is not that what the amendment provides?

Mr. STRONG of Kansas. Here is a bill by which no man on this floor, except, perhaps, the committee, is able to say what pay these officers shall receive, and I simply try to establish by this amendment that there shall be no increases in the different grades in the service beyond that now paid.

Mr. MAPES. But the language of the gentleman's amendment is this, that no payment shall be made to any person under the provisions of this act which will increase the pay or allowances of such person to an amount greater than that now provided by the act of May 11, 1908, plus the bonus that is added by the temporary pay law. I think I am in sympathy with what the gentleman is aiming at, but his amendment I do not believe will accomplish it.

Mr. McKENZIE. Is it not your purpose to hold down the pay of the contract surgeons, three in number, one of whom is a lady and held to be one of the finest physicians in this country? And I want to further ask my good friend if it is not a fact that he has not really investigated this matter before offering this amendment, but simply offers it without knowing what it means?

Mr. STRONG of Kansas. I offer it for the purpose of being assured that this bill will not increase the pay of any officer of that kind. I do not direct it to any lady or to any officer. I do not know of any person it will affect personally, except it affects the plain increase of pay of any officer of the Army now.

The CHAIRMAN. The question is on the amendment of the gentleman from Kansas [Mr. STRONG].

The question was taken, and the Chair announced that the noes seemed to have it.

Mr. STRONG of Kansas and Mr. MADDEN demanded a division.

The committee divided; and there were—ayes 21, noes 64.

So the amendment was rejected.

Mr. BLAND of Indiana. Mr. Chairman, I object to the vote, and I make the point of order there is no quorum present.

The CHAIRMAN. The gentleman from Indiana makes the point of order there is no quorum present, and the Chair will count. [After counting.] One hundred and twenty-four gentlemen are present, a quorum.

Mr. NEWTON of Minnesota. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Minnesota offers an amendment, which the Clerk will report.

Mr. NEWTON of Minnesota. I move to amend, in line 5, page 6, by striking out the period after the word "computation" and inserting in lieu thereof a colon, and following that the following language:

Provided, That every officer whose first appointment in the Regular Army was in a grade above that of second lieutenant shall receive as much pay as the senior officer of the next lowest grade in the same pay period originally appointed in the Regular Army in the grade of second lieutenant.

The CHAIRMAN. The gentleman offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. NEWTON of Minnesota: Page 6, line 5, after the word "computation," strike out the period, insert a semicolon, and add the following: "*Provided*, That every officer whose first appointment in the Regular Army was in a grade above that of second lieutenant shall receive as much pay as the senior officer of the next lowest grade in the same pay period originally appointed in the Regular Army in the grade of second lieutenant."

Mr. STAFFORD. Mr. Chairman, I reserve a point of order on that until the gentleman explains it.

Mr. NEWTON of Minnesota. Mr. Chairman, the amendment differs from the amendment previously offered in that the amendment previously offered gave the emergency officer the same pay as that of the junior officer of that rank in the same pay period. This amendment gives him the same pay as the senior officer of the next lowest grade.

Mr. McKENZIE. Will the gentleman please explain to the House just how that will occur?

Mr. NEWTON of Minnesota. Yes. For the purpose of saving time I shall refer to the proposed pay of the emergency colonel,

for example. The emergency colonel from the date of the war, with allowances, longevity, and so on, would get $6,072 under this bill. The old Regular Army lieutenant colonel under the proposed bill here would be entitled to draw pay amounting to $6,988—in other words, $900 more than the emergency colonel. So that under the bill as it is now drawn we have the anomaly of a colonel—just because he is drawn from civil life—a colonel who is doing all of the work of any other colonel, drawing less pay and less compensation in every way than not only a Regular Army man ranking as colonel but less pay than a Regular Army lieutenant colonel. This amendment seeks to correct that injustice. I offer it at the suggestion of some of those who could not vote, or did not feel that they could vote, for the previous amendment.

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

Mr. NEWTON of Minnesota. I yield to the gentleman from Wisconsin.

Mr. STAFFORD. I understand that the proposed amendment is similar in principle but different in degree?

Mr. NEWTON of Minnesota. Yes.

Mr. STAFFORD. Although it may be subject to a point of order as not being germane, I will withdraw the reservation of the point of order, but I hope it will be defeated.

Mr. NEWTON of Minnesota. In offering this, I am keeping strictly in accord with the principles of this bill.

Now, I want to call the attention of the House to the second paragraph of page 2 of the bill. Take this provision:

The pay of the sixth period shall be paid to colonels of the Army, captains of the Navy, and officers of corresponding grade who have completed 26 years' service."

Now comes the first disjunctive "or":

Or whose first appointment in the permanent service was in a grade above that corresponding to captain in the Army.

In other words, to get some certain individuals into the sixth period, the highest-paying period, they say that a man shall put in 26 years in order to get some certain individuals into this highest-pay period. They say he does not have to have put in 26 years, because he commenced his service as a captain and not as a second lieutenant. This provision of the bill is a specific exception to years of service as sole basis of pay and is in line with my amendment.

That is all this does, to try and carry into effect the principles set forth in the second paragraph of the second page of the bill in so far as it applies to emergency officers, whether from the universities, the training camps, or the National Guard, who fought in the late war and then decided to remain in the service. [Applause.]

Mr. McKENZIE. Mr. Chairman, I simply wish to state that my good friend from Minnesota [Mr. NEWTON] has offered a proposition that has the same principle behind it as the other proposition.

Mr. BYRNES of South Carolina. Mr. Chairman, will the gentleman yield just there?

Mr. McKENZIE. Yes.

Mr. BYRNES of South Carolina. The former amendment gave him 26 years' service, and this would give him a service of 25 years and 364 days. [Laughter.]

Mr. NEWTON of Minnesota. The gentleman does not mean that.

Mr. McKENZIE. I know the gentleman from Minnesota is sincere, and I pay him the compliment of being sincere. I ask for a vote.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Minnesota [Mr. NEWTON].

The question was taken, and the Chairman announced that the "noes" appeared to have it.

Mr. NEWTON of Minnesota. Mr. Chairman, I ask for a division.

The CHAIRMAN. A division is demanded.

The committee divided; and there were—ayes 5, noes 37.

So the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 2. That every commissioned officer while on field or sea duty shall receive an increase of 5 per cent of his base pay. Field duty shall be defined for the purposes of this act as service in mobilization, concentration, instruction, or maneuver camps, service in campaign, in simulated campaign or on the march, and service under similar conditions. Such field service in each case shall be announced in orders published by the President. Sea duty shall be sea service as defined in section 1571, Revised Statutes.

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

The CHAIRMAN. The gentleman from North Carolina offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. BULWINKLE: Amend section 2, page 7, by striking out lines 4 to 12, inclusive, and inserting in lieu thereof the following:

"SEC. 2. That from and after the 1st day of July, 1922, no commissioned officer of the Army, Navy, or any of the other services named herein shall receive any additional compensation or any increase in pay for field or sea duty."

Mr. BULWINKLE. Mr. Chairman, my understanding of this bill is that it was designed to equalize salaries in the various branches of the service; and yet here, right at the first dash out of the box, an increase is given to the Army and Navy officers for field and sea duty. I remember that the other day the chairman of the committee spoke in glowing terms of the Coast Guard; how those men were always on duty. Yet, under this section of the bill they would not get any increase in pay at all. It is unjust.

Again, it is wrong to pay men extra for just what you have hired them to do; to pay an extra amount in percentage. It creates cumbersome bookkeeping and it is absolutely unnecessary. If we ought to pay them more, let us pay them more.

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

Mr. BULWINKLE. Yes.

Mr. MADDEN. Until recently no allowance was made to officers for family quarters when on field duty. Now an allowance is made to them for that. The family would not suffer any hardship while the husband was on field or sea duty, because quarters are now furnished, and there ought not to be any additional pay given to a man because he goes to the field.

Mr. BULWINKLE. No.

Mr. COOPER of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. BULWINKLE. Yes.

Mr. COOPER of Wisconsin. What the gentleman said, if I understood him correctly, amounts to a statement that there is discrimination in this bill against the Coast Guard.

Mr. BULWINKLE. It would be, if this bill passes.

Mr. COOPER of Wisconsin. That is a very important statement that has not been denied. Can the gentleman demonstrate the accuracy of his statement?

Mr. BULWINKLE. Yes; I can. If you will read section 2 you will see that for sea and field duty officers of the Army and of the Navy will receive 5 per cent increase in pay. You can not find any provision of that kind which will apply to the officers in the Coast Guard.

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

Mr. BULWINKLE. Yes.

Mr. MERRITT. Is it not true that officers in the Army and Navy when on duty have to furnish their subsistence, whereas in the Coast Guard it is furnished by the United States? That is just the distinction. That is why there is no injustice here.

Mr. BULWINKLE. There is no provision under existing law at the present time for officers of the Army to get 5 per cent for field duty.

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

Mr. BULWINKLE. Yes.

Mr. KRAUS. As I understand the gentleman, he means that the Coast Guard is discriminated against because the language of this section defines field duty for the Army, and then he refers to a place where sea duty is defined for the Navy, and therefore as a matter of construction there would be no allowance made for sea duty under this section for the Coast Guard. Because of the definition in two instances and the insertion of other definitions there I understand therefore the discrimination would exist?

Mr. BULWINKLE. That is correct.

Mr. BLAND of Indiana. Mr. Chairman, I make the point of order that there is no quorum present.

The CHAIRMAN. The gentleman from Indiana makes the point of order that there is no quorum present. The Chair will count. [After counting.] One hundred and two Members present—a quorum. The question is on the amendment.

Mr. McKENZIE. Mr. Chairman, I should like to make just a brief statement, and then I will move that the commititee rise.

The CHAIRMAN. The gentleman from Illinois is recognized.

Mr. McKENZIE. Gentlemen of the committee, I wish to state that when the question of pay for service at sea came up we felt that sea-service pay should be reduced. In a tentative statement that I have made I said I felt that the base pay should be raised, and these additions to the pay should be done away with. We found that in the Navy and the Coast Guard and the Marine Corps, as I remember—and I think I am right about it—they received 10 per cent additional pay for sea duty. Nothing of the kind has ever existed in the Army. About 70 per cent of the men in the Navy serve at sea and about 30 per cent on shore. It is estimated that about 5 per cent of the officers in the Army would perhaps have what would be known as field service.

In this bill we also provide for the repeal of all foreign-service pay, which heretofore has been 10 per cent. We felt that a reduction of 50 per cent in the sea pay of the Navy and the Coast Guard was a pretty fair reduction. We simply included the Army along with the Marine Corps and the Navy for the sake of parity and to comply with one of the policies in this bill to treat all services alike and put them all on a level.

Mr. COOPER of Wisconsin. Mr. Chairman, will the gentleman permit an interruption there?

Mr. McKENZIE. Yes.

Mr. COOPER of Wisconsin. I notice in line 6, page 7, section 2, the beginning of the definition of field duty, and then in lines 11 and 12 these words—

Sea duty shall be sea service as defined in section 1571 of the Revised Statutes.

Now, this whole controversy turns on the construction which the gentleman from North Carolina [Mr. BULWINKLE] gave to that section. What is the definition of sea duty in section 1571, and does it include the Coast Guard?

Mr. McKENZIE. Section 1571 is as follows:

No service shall be regarded as sea service except such as shall be performed at sea under the orders of a department and in vessels employed by authority of law.

Of course, that would take in the Coast Guard. That would be in vessels employed by authority of law.

Mr. COOPER of Wisconsin. I would like to ask the gentleman this question. Since I interrupted the gentleman from North Carolina [Mr. BULWINKLE] I have been told that this exact question was submitted to the comptroller, and that he decided that the Coast Guard was included within section 1571 of the Revised Statutes. Is that so?

Mr. McKENZIE. It was included. Of course, I have not talked with the comptroller; but I want to say this——

Mr. COOPER of Wisconsin. The gentleman from South Carolina [Mr. BYRNES] told me that.

Mr. BYRNES of South Carolina. When the bill was submitted to the comptroller it was submitted to him to have him pass on all the provisions of the bill, and my understanding is that he construed it as applying to all the services in the bill.

Mr. McKENZIE. If the gentleman will permit me, surely the committee never had any intention of discriminating against the Coast Guard.

Mr. COOPER of Wisconsin. I know that.

Mr. McKENZIE. We would not do that, and it was not our purpose; but we felt that if we reduced the sea pay 50 per cent, and if only 5 per cent of the officers in the Army were included in field service, it would not affect the Treasury very much as far as the Army was concerned.

Mr. COOPER of Wisconsin. I would like to say just one word in this connection. I never thought that the committee, of which the gentleman from Illinois is the honored head, had any purpose to discriminate against the Coast Guard.

Mr. McKENZIE. I understand that.

Mr. COOPER of Wisconsin. But I do not want the law to do it.

Mr. McKENZIE. Neither do I.

The CHAIRMAN. The time of the gentleman has expired.

Mr. STAFFORD. I ask unanimous consent that the time of the gentleman be extended five minutes.

The CHAIRMAN. The gentleman from Wisconsin asks unanimous consent that the time of the gentleman from Illinois be extended five minutes. Is there objection?

There was no objection.

Mr. McKENZIE. I wish to say for the information of the members of the committee that this involves the Marine Corps; and the officers and men of the Marine Corps are, as you know, stationed in Santo Domingo, Haiti, and places of that sort. Now, with the repeal of all foreign-service pay, which I strenuously advocated, it will give to them 50 per cent of what they heretofore received by the way of foreign-service pay. I want to say, further, to gentlemen of the committee that, so far as I am personally concerned in this matter, I have no feeling one way or the other; if the Members of the House feel that the pay is sufficient without the additional sum, it is up to the House. But the committee felt that in writing the bill it was fair, and after abolishing all foreign-service pay and cutting down the amount 50 per cent, we felt that we had gone a long way in economizing.

Mr. STAFFORD. Will the gentleman yield?

Mr. McKENZIE. Yes.

Mr. STAFFORD. I wish to inquire what additional 5 per cent pay you intend to give the officers of the Army in the so-called service field duty? The gentleman stated that it will only apply to 5 per cent of the commissioned officers. I direct his attention to the definition of field duty:

Field duty shall be defined for the purposes of this act as service in mobilization, concentration, instruction, or maneuver camps, service in campaign, in simulated campaign or on the march, and service under similar conditions.

At Camp Benning, Camp Knox, and various other camps, where many officers are assigned for instruction, will they receive this additional pay?

Mr. McKENZIE. They would not.

Mr. STAFFORD. Why would they not?

Mr. McKENZIE. They are permanent service schools, and not field maneuvers. They are entirely different.

Mr. STAFFORD. But you say that field duty is defined as "service in mobilization, concentration, instruction, or maneuver camps." It is not "and," it is "or." The camp at Plattsburg is an instruction camp; Camp Benning is an instruction camp; Camp Knox is an instruction camp. Why would not the officers in performing service there be entitled to the 5 per cent?

Mr. GREENE of Vermont. Those are permanent posts, regular barracks, not field duty at all.

Mr. STAFFORD. But here is the definition of field duty.

Mr. McKENZIE. Take Camp Knox, in Kentucky, and suppose the National Guard of all that section of the country in the corps area was ordered to that post for maneuvers, and officers stationed at Fort Sheridan were ordered down there to give instruction in maneuvers. They would, in my judgment, get the 5 per cent.

Mr. STAFFORD. But it would not only apply to those officers, under the phraseology here, but it would apply to officers permanently stationed at Camp Benning, Camp Knox, Fort Sill, Fort Leavenworth, all engaged in instruction purposes. Do we propose by this to increase their salary 5 per cent more than what they are receiving to-day? We are going to a great degree in proposing permanent increases, but now you are proposing to increase it 5 per cent more.

Mr. PADGETT. They are getting 10 per cent increase now.

Mr. STAFFORD. Oh, I deny that; the gentleman may be an authority on naval matters.

Mr. PADGETT. I was not talking of the Army.

Mr. STAFFORD. I am directing my inquiry to the military arm of the Government.

The CHAIRMAN. The time of the gentleman has expired.

Mr. FROTHINGHAM. Mr. Chairman, I ask that the gentleman have one minute more; I want to ask him a question.

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

There was no objection.

Mr. FROTHINGHAM. I want to find out, if this amendment prevails and section 2 is stricken out, does that do away with the field pay and sea pay for the Navy, the Marine Corps also, as well as the Army?

Mr. McKENZIE. Absolutely; we never had it in the Army.

Mr. OLIVER. Mr. Chairman, these facts may prove helpful to the House in the consideration of the pending amendment. Prior to 1899 there was a difference of 15 per cent in the pay of naval officers on shore and sea duty. In 1908 naval officers were given the same pay as officers of the Army, and in addition thereto 10 per cent of the base and longevity pay was given for sea service, but no commutation for quarters was allowed naval officers at sea. The 10 per cent was supposed to be in lieu of commutation. There was never any sound reason for denying to a naval officer with dependents commutation for heat, light, and quarters when on sea duty. This bill undertakes to give to the naval officer at sea who has dependents commutation for quarters. No pay has ever been provided for field service in the Army. The present bill undertakes to allow 5 per cent both for sea service in the Navy and for field duty in the Army, and provides commutation for officers at sea and on field duty in these services who have dependents not occupying public quarters. This bill undertakes to increase the commutation for quarters, and in view of that increase it is for the House to say whether it is proper to give additional pay for sea service and field duty.

Mr. GRIFFIN. Would not an instructor at Fort Leavenworth be entitled to 5 per cent under this provision?

Mr. OLIVER. I am not prepared to say what the comptroller would hold.

Mr. STAFFORD. There is no question about that under the phraseology of this bill.

Mr. OLIVER. When the committee came to consider that section it was first written as you now have it in the pending bill, but the joint committee, at the suggestion of some of the consulting officers, put in a provision that the decision of the President as to what constituted field service should be conclusive. The House committee struck out this clause which sought to take from the comptroller all authority to pass on the question of what constituted field duty.

Mr. GREENE of Vermont. If the gentleman will permit, I think the gentleman's explanation is clear. I do not see why a sailor should not go to sea when that is his duty, or why a soldier should not go into the field when that is his duty, but if they are granted commutation of quarters for their family while performing that service away from garrison, it does not seem to me there should be any extra allowance on top of the commutation.

Mr. OLIVER. I agree with the gentleman and feel that it is a matter for the House to determine what is a proper commutation allowance.

Mr. SWING. Mr. Chairman, it seems to me there ought to be some recognition of an acknowledged fact that there is marked difference between the service required of a man at sea and of that of a man on land. It is the difference between having a position which enables you to be at home with your family every night, and one which necessitates you to be away from your family for months at a time, leaving out entirely the question of increased cost. Every time an assignment comes up which involves the appointment of an officer to land duty there is a good deal of competition to see who gets it. Sometimes there is a great deal of feeling against the men who get the preference in the assignment of duties on land, on the part of those who have to go to sea and who have to break up their homes and leave their families. In some way there ought to be a proper recognition of this inequality of service, so that a man will say, "Yes; I would just as soon go to sea, because the extra pay will put me ahead a little at the end of the month, which I can use to pay on the little home that I am trying to buy." In this bill, it seem to me very properly, there has been a recognition of the inequality of service between land and sea.

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

Mr. SWING. Yes.

Mr. OLIVER. If it be true, for the reason that the gentleman states, since even now in this bill we have given commutation for quarters to officers while at sea, why not give increased pay to every warrant officer and every apprentice and likewise to every private in the Army when serving in the field?

Mr. SWING. So far as the privates are concerned, as the gentleman well knows, there are very few of them who are married. They are mostly young men who have not yet taken on the responsibility of a home. What I was about to say about the Army is simply this: When an officer is maintaining his own home it costs no more to cook and prepare a meal for two than it does for one. Yet the officer when detached from his regular post and sent to some training camp, where he is temporarily assigned, has to pay out of his pocket an additional sum for his board. So there are these inequalities in the service which ought to be recognized and compensated for in pay. This would promote contentment and satisfaction among the men which in turn would contribute to increased efficiency in the service.

Mr. STAFFORD. These training camps, like Camp Benning, Fort Sill, Camp Knox, are not temporary assignments. The officers are there the year around and they get their commutation of quarters.

Mr. SWING. I agree with the gentleman that it ought not to cover permanent posts, but for emergency and temporary assignments there ought to be proper recognition.

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

Mr. SWING. Yes.

Mr. PADGETT. It ought to be borne in mind that they are now receiving 10 per cent in the Navy, Marine Corps, and Coast Guard, and that this reduces it to 5 per cent.

Mr. SWING. Yes. That was pointed out by the chairman of the subcommittee, who showed that this provision of the bill would result in a substantial saving over the pay for sea service provided for by existing law.

Mr. PADGETT. And in addition to that, foreign-service pay is repealed by the bill.

Mr. GREENE of Vermont. If the gentleman will permit, I know when I ask my learned friend a question as to naval affairs I may be getting it wrong. It is true that they got 10 per cent, but they did not then get commutation of quarters. Now they are getting commutation of quarters and 5 per cent, and that 5 per cent is more than they used to be getting.

Mr. PADGETT. I do not know that it is; it depends upon the quarters he got.

Mr. STAFFORD. I ask unanimous consent that the amendment may be again reported.

The amendment was again reported.

The CHAIRMAN. The question is on the amendment offered by the gentleman from North Carolina.

The question was taken, and the Chair announced the noes seemed to have it.

On a division (demanded by Mr. BULWINKLE), there were—ayes 26, noes 46.

Mr. BLAND of Indiana. Mr. Chairman, I make the point of order there is no quorum present.

Mr. BULWINKLE. Mr. Chairman, I demand tellers.

Mr. BLAND of Indiana. Mr. Chairman, I object to the vote, because there is no quorum present.

Mr. McKENZIE. Is it the understanding that this bill will be taken up in the morning as unfinished business?

The CHAIRMAN. That is the understanding.

Mr. MADDEN. I do not know; we may have some conference reports.

Mr. McKENZIE. In view of that fact, I move that the committee do now rise.

Mr. MADDEN. Mr. Chairman, I object to the vote, because there is no quorum present.

Mr. HICKS. Mr. Chairman, I make the point of order that the point comes too late.

The CHAIRMAN. The gentleman from Illinois moves that the committee do now rise——

Mr. MADDEN. Do I understand the Chair recognizes the fact that I objected to the vote because there is no quorum present?

The CHAIRMAN. The Chair has not decided that question; he has not passed upon the question. The gentleman from Illinois can be recognized for the purpose of rising.

Mr. McKENZIE. Mr. Chairman, I will withdraw——

Mr. STAFFORD. Mr. Chairman, I demand tellers on the vote.

Mr. BULWINKLE. Mr. Chairman, I have demanded tellers.

Mr. KRAUS. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. KRAUS. As I understood it, the gentleman from Illinois sought to withdraw the motion, and to that nobody made an objection.

The CHAIRMAN. Does the gentleman from Illinois desire to withdraw his motion? The Chair did not so understand.

Mr. MADDEN. Mr. Chairman, I wish to object to the vote, so as to have a vote to-morrow.

Mr. CONNALLY of Texas. Mr. Chairman, the gentleman from North Carolina demanded tellers on the vote, and that question is now up for decision.

Mr. SWING. And the point of order is made that that comes too late.

Mr. MADDEN. I make the point of order that there is no quorum present, and the vote can come up to-morrow.

The CHAIRMAN. The point of order that there is no quorum will carry the matter over. The Chair will recognize the gentleman from Illinois——

A MEMBER. Has the Chair decided there is no quorum present?

Mr. KNUTSON. Mr. Chairman, there are some Members who abstained from voting on the floor.

The CHAIRMAN. The Chair has not counted yet. [After counting.] One hundred and sixteen gentlemen are present, a quorum.

Mr. BULWINKLE. Mr. Chairman, I demand tellers.

The CHAIRMAN. Thirteen gentlemen have risen, not a sufficient number.

So the amendment was rejected.

Mr. McKENZIE. Mr. Chairman, I move the committee do now rise.

Mr. STAFFORD. Mr. Chairman, I offer the following amendment.

The motion to arise was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. TOWNER, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having had under consideration the bill H. R. 10972, had come to no resolution thereon.

EXTENSION OF REMARKS.

Mr. LAYTON. Mr. Speaker, I ask unanimous consent to extend and revise my remarks in the RECORD by inserting as a part thereof a recent opinion delivered by the attorney general of the State of Massachusetts upon the constitutionality of the Sheppard maternity bill.

The SPEAKER. The gentleman from Delaware asks unanimous consent to insert as a part of his remarks in the RECORD an opinion delivered by the attorney general of Massachusetts on the constitutionality of the maternity bill. Is there objection? [After a pause.] The Chair hears none.

Mr. LAYTON. Mr. Speaker, under the leave granted to me to extend my remarks in the RECORD, I include as a part thereof a recent opinion delivered by the attorney general of the State

of Massachusetts upon the constitutionality of the Sheppard maternity bill.

The opinion is as follows:

ACT IS UNCONSTITUTIONAL—RULING ON SHEPPARD-TOWNER BILL BY ATTORNEY GENERAL—ALLEN SAYS IT USURPS STATES' AUTHORITY—VIOLATES THE TENTH CONSTITUTIONAL AMENDMENT—DECLARES STATE HAS RIGHT TO RAISE QUESTION—SUGGESTS SUIT AGAINST FEDERAL OFFICERS—ADVISES AGAINST ACCEPTANCE OF THE MEASURE IF LEGISLATURE DESIRES TO BRING SUCH ACTION.

Attorney General J. Weston Allen holds the Sheppard-Towner Act to be unconstitutional in an opinion delivered to the house of representatives this afternoon, in reply to an order adopted by that body more than a month ago seeking his ruling upon several questions directly affecting the acceptance of the act by Massachusetts.

The Sheppard-Towner Act, which is entitled "An act for the promotion of the welfare and hygiene of maternity and infancy, and for other purposes," is described at length by the attorney general, who, in his opening, says it is a matter of considerable delicacy for a State official to venture to pass upon the validity of acts of Congress and the rights of sovereign States before the Supreme Court of the United States, but which apparently is within the statutory duty imposed upon him.

He was asked to answer four questions by the legislature: First, whether the act is constitutional; second, whether Massachusetts, as a sovereign State, has the right to question its constitutionality; third, whether the Commonwealth would waive its rights to question the constitutionality of the act if it accepts it; and finally, what procedure can be adopted in order to raise the question.

Nearly half of his long opinion deals with the first question, in which he finds that the act delegates to the Federal Government police powers specifically reserved to the sovereign States. He finds that: "If the United States possesses no police powers, as the Supreme Court of the United States has often held, it would seem that this act is an attempt to usurp an authority reserved to the States, and to exercise it at the expense of a minority of them, of which this Commonwealth is one."

He states emphatically that in his opinion the Sheppard-Towner Act is unconstitutional as it violates the tenth amendment to the Constitution of the United States, which specifically reserves to the sovereign States the police power. He finds that the act delegates these police powers to Federal officials, although "There is no grant of power to Congress to regulate the internal affairs of the State, excepting that given by the eighteenth amendment."

The Attorney General finds under the act that if Massachusetts accepts the benefits afforded it will be compelled to pay double the amount which will be received in such benefits. He states that if Massachusetts does not accept the act it will still be taxed to pay for the carrying into effect "of an unconstitutional law in other States," as all payments are to be made out of the Federal Treasury, which is replenished from internal revenue of which Massachusetts contributes 5.66 per cent of the whole.

In reply to the second question, Mr. Allen finds that Massachusetts has the right, as a sovereign State, to raise the question as to the constitutionality of the act. In reply to the third quesion he states that, while Massachusetts might not waive its rights as a sovereign State to raise the question if it accepts the act, it would certainly place itself in a most inconsistent position. He, therefore, advises against accepting the act if Massachusetts intends to proceed to raise the question.

In reply to the fourth question, as to what procedure should be followed if the State wishes to raise the question of constitutionality, Mr. Allen says the direct method, and possibly the only method, is by proceeding in equity in the Supreme Court against those officials of the Federal Government who are acting or preparing to act to carry the provisions of the act into effect.

The complete opinion, which is certain to attract country-wide attention, follows:

SHEPPARD-TOWNER ACT RULED UNCONSTITUTIONAL BY ALLEN—ATTORNEY GENERAL FINDS CONGRESS ATTEMPTS TO USURP POWERS RESERVED TO THE STATES—SAYS MASSACHUSETTS WILL BE TAXED WHETHER IT ACCEPTS ACT OR NOT—DECIDES LEGISLATURE HAS RIGHT TO RAISE QUESTION AND WOULD BRING EQUITY ACTION AGAINST FEDERAL OFFICERS.

To the honorable Senate and House of Representatives, State House:

GENTLEMEN: You have requested my opinion on the following questions:

"(1) Is the act of Congress, approved November 23, 1921, entitled 'An act for the promotion of the welfare and hygiene and maternity and infancy, and for other purposes,' within the constitutional powers of the Federal Government?

"(2) Has the Commonwealth of Massachusetts any right, as a sovereign State, to question the constitutionality of said act?

"(3) Would the Commonwealth of Massachusetts, by the acceptance of said act, waive its rights as a sovereign State, if such rights exist, to contest the constitutionality of said act before the courts of the United States?

"(4) If, in his opinion, said act is unconstitutional, what procedure can the Commonwealth adopt to raise the question of constitutionality?"

It is a matter of considerable delicacy for a State official to venture to pass upon the validity of acts of Congress and the rights of sovereign States before the Supreme Court of the United States, and it is with some hesitation that I undertake to comply with your request. It would seem, however, that it is within the statutory duty imposed upon me, as that duty has been construed by my predecessors in office, to give you an opinion upon questions of law when such opinion is requested in order that you may be informed as to your powers and duties with respect to pending matters of legislation.

I. The act of Congress, approved November 23, 1921, entitled "An act for the promotion of the welfare and hygiene of maternity and infancy, and for other purposes," commonly known as the Sheppard-Towner Act, authorizes annual appropriations "to be paid to the several States for the purpose of cooperating with them in promoting the welfare and hygiene of maternity and infancy." It contains provisions substantially as follows:

It authorizes the appropriation, for the purpose of the act, of $480,000 for the current year and $240,000 for subsequent years, for a period of five years, to be equally apportioned among the several States, and an additional sum of $1,000,000 a year, for a period of five years, to be apportioned $5,000 to each State, and the balance among the States in proportion to their population, with a proviso that no payment out of the additional appropriation shall be made in any year to any State until an equal sum has been appropriated by such State.

The act creates a "board of maternity and infant hygiene," with certain supervisory powers. It provides that the "Children's Bureau of Department of Labor" shall be charged with the administration of the act, and gives the Children's Bureau all necessary powers to cooperate with the States in such administration, for which purpose the Children's Bureau may deduct an amount not exceeding 5 per cent of the additional appropriation in any year.

HOW STATES SECURE ITS BENEFITS.

Every State is required, in order to secure the benefits of the appropriations authorized, through its legislature to accept the provisions of the act and to designate or authorize the creation of a State agency to cooperate with the Children's Bureau.

Any State desiring to receive the benefits of the act is required by its agency to submit to the Children's Bureau detailed plans for carrying out the provisions of the act within such State, such plans to be subject to the approval of the board.

Within 60 days after any appropriation under the act the Children's Bureau is directed to make the apportionment provided for, to certify to the Secretary of the Treasury the estimated expense of administration, and to certify to the Secretary of the Treasury and to the treasurers of the various States the amount apportioned to each State. Within the same period and from time to time thereafter the Children's Bureau is directed to ascertain the amounts appropriated by the several States and to certify to the Secretary of the Treasury the amount to which each State is entitled by reason of such appropriation.

AUTHORITY TO HOLD BACK PAYMENTS.

Each State agency cooperating with the Children's Bureau is required to make such reports concerning its operations and expenditures as shall be prescribed by the Children's Bureau, which may, subject to the supervision of the board, withhold the certificate authorizing payment to any State whenever it is determined that the agency thereof has not properly expended the money paid to it or the moneys required to be appropriated by the State for the purpose of the act, an appeal being given from such determination to the President of the United States.

Thus in effect a system is created by which appropriations are to be made by the Federal Government and the States which accept the provisions of the act; plans are to be submitted to Federal boards, the nature of which appears to be wholly undetermined, except that they must have some relation to the "welfare and hygiene of maternity and infancy" and are subject to certain restrictions stated in the act. Those plans are to be administered by officials, agents, and representatives of the Children's Bureau in cooperation with the different State agencies, and control over the conduct of the State agencies is vested in the Children's Bureau and the board by the provision authorizing the withholding of the Federal appropriation in cases where it is determined as to any State that Federal or State funds have not been properly expended.

The purpose and effect of the Federal Constitution was to secure a Federal Government with limited and enumerated powers, for national purposes, reserving all other powers to the States and the people. (McCulloch *v.* Maryland, 4 Wheat. 316, 405; United States *v.* Cruikshank, 92 U. S. 542, 549–551; Kansas *v.* Colorado, 206 U. S. 46, 81.) The powers expressly granted to Congress, including the power to make all laws necessary and proper for carrying the powers enumerated into execution, are all stated in Article I, section 8, of the Constitution. All powers not granted to the United States by the Constitution are reserved by the tenth amendment to the States or the people. (United States *v.* Cruikshank, 92 U. S. 542, 551.)

The powers given to the Federal Government are only those which are necessary to the existence and effective maintenance of the Nation. There is no grant of power to Congress to regulate the internal affairs of the States, excepting that given by the eighteenth amendment. The police power is a necessary part of the sovereign powers of the States, and was reserved to them by the tenth amendment. Each State has the right and duty to provide for the general welfare of its people, and in those respects the authority of the State is complete, unqualified, and exclusive. (New York *v.* Miln, 11 Pet. 102, 139; In re Rahrer, 140 U. S. 545, 554, 555; Keller *v.* United States, 213 U. S. 138; Hammer *v.* Dagenhart, 247 U. S. 251, 274–276; the Federalist, No. 45.)

"ATTEMPT TO USURP POWERS RESERVED TO THE STATES"—POWERS RELATING TO MATERNITY AND INFANCY CONSTRUED AS POLICE POWERS—ACT PLACES EXPENSE UPON SMALL MINORITY.

The present act vests in the Federal Government certain powers relating to maternity and infancy. These matters manifestly fall within the scope of the police power. Most of the expense will be borne by a small minority of the States, while a majority of the States will receive a corresponding benefit for which they do not pay. If the United States possesses no police power, as the Supreme Court of the United States has often held, it would seem that this act is an attempt to usurp an authority reserved to the States and to exercise it at the expense of a minority of them, of which this Commonwealth is one.

It appears from the debates in Congress that the proponents of this measure attempt to support it upon the ground that it is a provision for the general welfare of the people of the United States. The words "general welfare" occur twice in the Constitution, once in the preamble and once in Article I, section 8.

The preamble is as follows:

"We, the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquillity, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America."

PREAMBLE DELEGATES NO SUCH POWER.

The preamble, however, contains no grant of power. It is a mere statement of the purposes effected by the Constitution itself. Jacobson *v.* Massachusetts, 197 U. S. 11, 22; Story on the Constitution, sec. 462.)

I pass, therefore, to a consideration of Article I, section 8, of which the first clause 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; but all duties, imposts, and excises shall be uniform throughout the United States; * * *."

It is plain that the words "to pay the debts and provide for the common defense and general welfare of the United States" are not a substantive grant of power but a qualification of the first enumerated

power "to lay and collect taxes, duties, imposts, and excises." Argument is not needed to support this proposition, because the authority for it is conclusive.

The history of the adoption of this clause is given in George Ticknor Curtis's Constitutional History of the United States, volume 1, pages 518–521, as follows:

In the first draft of the Constitution the power to tax was stated in what was there Article VII, section 1, in the following words:

"The legislature of the United States shall have the power to lay and collect taxes, duties, imposts, and excises." (5 Elliot's Debates, p. 378.)

RESTRAINT OF REVENUE POWER.

It was thought that there should be some restraint on the revenue power, with a view to prevent perpetual taxes of any kind. The matter was referred to a committee of detail, which reported the following addition:

"For payment of the debts and necessary expenses of the United States, provided that no law for raising any branch of revenue, except what may be specially appropriated for the payment of interest on debts or loans, shall continue in force for more than —— years." (5 Elliott's Debates, p. 462.) This was referred to a grand committee, which introduced an amendment making the whole clause read as follows:

"The legislature shall have power to lay and collect taxes, duties, imposts, and excises, to pay the debts, and provide for the common defense and general warfare of the United States." (5 Elliott's Debates, pp. 506, 507.) This amendment was unanimously adopted. The provision for uniformity was added later. (5 Elliot's Debates, p. 543.)

In Loughborough *v.* Blake (5 Wheat. 317, 318) Chief Justice Marshall said:

"The eighth section of the first article gives to Congress the 'power to lay and collect taxes, duties, imposts, and excises' for the purposes thereinafter mentioned."

Again in Dobbins *v.* Commissioners of Erie County (16 Pet. 435, 448, 449) the court said:

"The revenue of the United States is intended by the Constitution to pay the debts and provide for the common defense and general welfare of the United States, to be expended in particulars in carrying into effect the laws made to execute all the express powers 'and all other powers vested by the Constitution in the Government of the United States.'"

In Ward *v.* Maryland (12 Wall. 418, 428) the power to tax was referred to as existing "by virtue of an express grant for the purpose; among other things, of paying the debts and providing for the common defense and general welfare."

CONCLUSIONS ON "WELFARE" CLAUSE.

In United States *v.* Boyer (85 Fed. 425, it was held that the "general welfare clause" did not confer any distinct and substantial power on Congress to enact any legislation, but constituted a limitation upon the taxing power.

The text writers also are agreed that the words "to pay the debts and provide for the common defense and general welfare of the United States" are to be construed as if they were preceded by the words "in order," or similar words amounting to a declaration of purpose. (Story on the Constitution, secs. 906–911; Miller on the Constitution of the United States, pp. 229–231.)

The form of the Constitution lends strong support to this construction. The document in the rolls of the Department of State shows that in Article I, section 8, each of the enumerated powers is numbered, from 1 to 18, inclusive, the first being the 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; but all duties, imposts, and excises shall be uniform throughout the United States"; and the second the power "to borrow money on the credit of the United States"; and that each power is separated by a semicolon. (Curtis's Constitutional History of the United States, vol. 1, p. 728, note 731.)

OLD CONTROVERSY INVOLVED.

While it seems to be definitely settled that the words "to pay the debts and provide for the common defense and general welfare of the United States" are not a substantive grant of power, there has been from the time the Constitution was adopted a controverted question regarding the interpretation of those words and their bearing on the power of Congress to appropriate money. Hamilton held that Congress had a power to appropriate as broad as the power to tax, and that the revenues of the United States could be appropriated for any public purpose connected with the general welfare of the United States. This doctrine was stated by Hamilton in his Report on Manufactures in 1791. It was adopted and followed by Story (secs. 975–992) and by President Monroe in his message respecting the bill for the repairs of the Cumberland Road, May 4, 1822. On the other hand, Madison held that the general-welfare clause is merely descriptive of and limited by the specific grants of power to Congress contained in section 8, and that the power to appropriate money is also confined to the enumerated powers. Madison expressed this view in the Federalist, No. 41, and the statement there made must be presumed to have had some effect in obtaining the ratification of the Constitution by the States. He renewed the same statement in his message vetoing the bill for internal improvements, March 3, 1817, and in a letter to Speaker Stevenson, dated November 27, 1830, Madison's view was supported and emphasized by Jefferson, as stated in his opinion on the constitutionality of a national bank, February 15, 1791. (See Tucker's Constitution of the United States, secs. 222–231.)

The view that the general-welfare clause is merely descriptive of the substantive grants of power which follow it in section 8 is supported by the circumstance that provisions for the common defense are contained in the grants of power to declare war, to raise and support armies, to provide and maintain a navy, to make rules for the Government and regulation of the land and naval forces, to provide for calling forth the militia to execute the laws of the Union, suppress insurrection, and repel invasions, and to provide for organizing, arming, and disciplining the militia, while the other powers granted in that section are clearly provisions for the general welfare of the United States.

NO DEFINITE APPROPRIATION MADE.

The question as to the extent of the general welfare clause in its application to appropriations of money was expressly reserved by the Supreme Court in United States *v.* Realty Co., 163 U. S. 427, 440, where the court said:

"It is unnecessary to hold here that Congress has power to appropriate the public money in the Treasury to any purpose whatever which it may choose to say is in payment of a debt or for purposes of the general welfare. A decision of that question may be postponed until it arises."

But the question which I have to determine does not depend for its answer upon a solution of the controversy concerning the limits of the power of Congress to appropriate money. In fact, the Sheppard-Towner Act makes no appropriation of money. It merely purports to authorize sums to be appropriated, thereby announcing, it seems, an intention to appropriate at some future time. It does, however, establish a system by which States desiring to secure the benefits of promised appropriations are required to submit plans for carrying out the provisions of the act to designated Federal authorities for their approval, to make appropriations to match Federal appropriations, and to cooperate with the Federal authorities in the administration of the act, subject to the supervision of those authorities who, if they determine that either Federal or State funds have not been properly expended, may withhold the Federal appropriation.

This, in my judgment, is not an appropriation bill, but an attempted exercise of power over the subject of maternity and infancy, and thus an incursion into the field of the local police power, reserved to the States by the tenth amendment. The objections to the act go further in that the proposed appropriations are not general in their application, but are confined to those States which accept the act and appropriate their own funds to be used for its purposes. Hamilton, in his report on manufactures cited above, although contending for the broad power of appropriation, says that "the object to which an appropriation of money is to be made must be general and not local." For this reason the appropriations, if made, in my opinion would not be for the "general welfare of the United States," even if those words are given the broadest signification. Indeed, it is yet to be determined that Congress has the power to appropriate to the States, according to any method of apportionment, revenues raised from the people of the United States for national purposes.

STATE LEGISLATURES CAN NOT YIELD POWERS RESERVED TO THEM—SUCH POWERS CAN ONLY BE GRANTED TO CONGRESS BY AN AMENDMENT TO THE CONSTITUTION.

If the powers attempted to be exercised by the Sheppard-Towner Act are outside the powers conferred upon Congress by the Constitution and within the field of the powers reserved to the States, the act is not made constitutional and valid by the circumstance that those powers will only be exercised in or with respect to those States whose legislatures accept it; for Congress can not assume and the State legislatures can not yield the powers reserved to the States by the Constitution. They can only be granted to the Federal Government by an amendment to the Constitution. On this precise subject President Monroe, in his message vetoing the Cumberland Road bill, referred to above, holding that Congress had not the power, even with the consent of the States affected, to establish turnpikes with gates and tolls as internal improvements, said:

"I am of opinion that Congress does not possess this power; that the States, individually, can not grant it; for, although they may assent to the appropriation of money within their limits for such purposes they can grant no power of jurisdiction or sovereignty by special compacts with the United States. This power can be granted only by an amendment to the Constitution and in the mode prescribed by it."

THE ACT IS UNCONSTITUTIONAL.

In reply to your first question, I am therefore constrained to say that I am of opinion that the act referred to is not within the constitutional powers of the Federal Government.

II. Your second question, whether the Commonwealth of Massachusetts has any right as a sovereign State to question the constitutionality of the act, and your fourth question, what procedure can be adopted to raise the question of constitutionality, will be considered together.

It is well established that any person whose rights are directly affected by an act of Congress may question its constitutionality before the court, and that it is the court's duty in a proper case, where an act of Congress infringes upon the provisions of the Constitution, to declare that act unconstitutional and void. (Vanhorne's Lessee *v.* Dorrance, 2 Dall. 304, 308, 309; Marbury *v.* Madison, 1 Cranch, 137; McCulloch *v.* Maryland, 4 Wheat. 316, 400, 401.)

But the right to declare an act unconstitutional can be exercised only when proper parties are before the court in an actual controversy involving the constitutional question in the determination of the rights of litigants. (Steamship Co *v.* Emigration Commissioners, 113 U. S. 33, 39; Muskrat *v.* United States, 219 U. S. 346, 361; Fairchild *v.* Hughes, No. 148—October term, 1921.)

SUGGESTS EQUITY PROCEEDINGS AGAINST FEDERAL OFFICIALS—DIRECT METHOD OF CONTESTING CONSTITUTIONALITY OUTLINED BY ATTORNEY GENERAL.

The most direct method of testing the constitutionality of the Sheppard-Towner Act, if not the only method, is by proceedings in equity against those officials of the Federal Government who are acting or preparing to act to carry its provisions into effect. By United States Constitution, Article III, section 2, the Supreme Court has original jurisdiction of all cases in which a State shall be a party. The inquiry, therefore, is in the first instance whether the Commonwealth may maintain such a suit in the Supreme Court as party plaintiff, and, secondly, whether the suit will lie against Federal officials as parties defendant.

There are instances of suits brought by States which the Supreme Court has declined to entertain on the ground that they called upon the court to determine questions which were political and not judicial. The most noteworthy of these cases is Georgia *v.* Stanton (6 Wall. 50), where the State brought an original bill to restrain the Secretary of War and other officers of the Government from carrying into effect the so-called reconstruction acts. The court held that the rights for which protection was sought were rights of sovereignty, that no rights of persons or property were being infringed, and that the questions were political, and they dismissed the bill for want of jurisdiction. The decision, however, seems to go no further than Luther *v.* Borden (7 How. 1) and Pacific Telephone Co. *v.* Oregon (223 U. S. 118), holding that it is for Congress and not for the court to decide what is the established government in a State and to enforce the constitutional guaranty of a republican form of government, the questions involved being political and beyond the judicial power.

SUITS TO ENFORCE SOVEREIGN RIGHTS.

On the other hand, the court has from early times entertained suits to determine which of two States had political jurisdiction over disputed territory, since such a controversy is clearly justiciable. (Rhode

Island v. Massachusetts, 12 Pet. 657, 736–738; Virginia v. West Virginia, 11 Wall. 39.) More recently the jurisdiction has in many cases been sustained in suits by States to enforce their sovereign rights and as parens patriæ or representative of their citizens.

The question whether a State may sue as representative of its citizens was presented but not settled in Louisiana v. Texas (176 U. S. 1, 19). But in later decision this question has been answered in the affirmative, and the distinction made in Georgia v. Stanton (6 Wall. 50) between rights of property and rights of sovereignty has been disregarded. These decisions have made it plain that suits by States will lie for the protection both of their own sovereign rights and of the personal and property rights and welfare of their citizens generally. On these grounds suits have been sustained to restrain interference with the flow of rivers and water supply and pollution of the air. Jurisdiction is accepted broadly wherever the controversy is justiciable in its nature, in recognition of the fact that the States in joining the Union relinquished the right they would otherwise have had to seek remedies by negotiation or force, that there should be some remedy for the settlement of disputes, and that one may be found in the constitutional provisions giving the Supreme Court jurisdiction of suits by States. (Missouri v. Illinois & Chicago District, 180 U. S. 208, 241; Kansas v. Colorado, 185 U. S. 125, 206 U. S. 46, 83, 84, 99; Georgia v. Tennessee Copper Co., 206 U. S. 230, 237; Virginia v. West Virginia, 220 U. S. 1, 27; New York v. New Jersey, 256 U. S. 296, 301, 302.)

QUESTION "CLEARLY JUSTICIABLE."

The question whether an act of Congress is in violation of the reserved powers of the States and therefore unconstitutional seems clearly justiciable, and the Supreme Court has so decided in Hammer v. Dagenbert (247 U. S. 251). In that case the court held that a United States district attorney should be enjoined from enforcing an act of Congress prohibiting the transportation in interstate commerce of products of child labor, on the ground that the law was an invasion of the local police power, reserved to the States by the tenth amendment.

Where an act of Congress encroaches upon the rights reserved to the States by the tenth amendment any State affected thereby must have the right to resort to some tribunal for the protection of those rights or be without remedy. That the States themselves are entitled to such protection by the judicial power, and that it is the duty of the court, in a proper case, to hold such an act unconstitutional and to grant relief, has several times been declared. (Ableman v. Booth, 21 How. 506, 519, 520; Gordon v. United States, 117 U. S. 697, 700, 701, 705; Matter of Heff, 197 U. S. 488, 505; South Carolina v. United States, 199 U. S. 437, 448.)

STATE HAS RIGHT TO ACTION.

If, for the reasons stated, the Sheppard-Towner Act is unconstitutional as representing an attempt by Congress to exceed its constitutional powers and to usurp the rights reserved to the States by the tenth amendment, it follows that the Commonwealth in a proper case can raise the question of constitutionality by bringing suit in the Supreme Court, if and when it is affected by the act.

The act does not confer upon the Federal agencies created or designated by it any authority which operates in Massachusetts unless and until its legislature accepts the act and makes the required appropriation. If the legislature purports to accept the act, the right of the Commonwealth subsequently to complain that the act is unconstitutional, as hereafter stated in reply to your third question, will be open to serious question. If the act is not accepted and does not become operative within the Commonwealth, there would be no encroachment upon the police power of Massachusetts if the act should be put into effect in other States.

SEES TAX ON STATE WHETHER ACT IS ACCEPTED OR NOT—IF MASSACHUSETTS ACCEPTS ACT IT WILL RECEIVE LESS THAN HALF AMOUNT IT PAYS.

It does not follow, however, that the Commonwealth is not affected if the act is put into effect in other States. The grants to such States are to be paid out of the Federal Treasury. That Treasury is replenished by internal revenue taxes paid by the people of the several States. It has been estimated that 5.66 per cent of those taxes are paid by the citizens of Massachusetts. If Massachusetts can and does accept the act, it has been estimated that the return to it thereunder will be less than half the amount collected from its citizens. If Massachusetts does not accept the act, its citizens will be taxed in order to carry into effect an unconstitutional law in other States. Assuming that a Federal tax, otherwise lawful, imposed to raise revenues for lawful purposes does not become unconstitutional because it taps and diminishes a source of revenue available to the States (Knowlton v. Moore, 178 U. S. 41; New York Trust Co. v. Eisner, 41 Sup. Ct. Rep. 506), it does not follow that a State whose revenues are diminished by Federal taxation imposed in order to execute an unconstitutional law is not so affected thereby that it can not attack that expenditure in the Supreme Court of the United States. If the State is without remedy it is under the dilemma of consenting to be stripped of a power reserved by the tenth amendment in order to share in such unconstitutional benefits as Congress may choose to accord, or else of bearing unheard and without redress a part of the burden of conferring such alleged benefits on other States.

RIGHTS OF TAXPAYERS EVADED.

The right of Massachusetts to bring suit may be supported upon the further ground that the rights of its taxpaying citizens are invaded. It is doubtful whether taxpayers can maintain suits in their individual capacity to restrain an unconstitutional expenditure. (See Bradfield v. Roberts, 175 U. S. 291; Millard v. Roberts, 202 U. S. 427, 438.) There is, however, in my opinion, strong argument for the view that the State can present the question on their behalf as parens patriæ, following the analogy of the nuisance cases already cited. If neither the State nor the taxpayer can sue, then there can be no remedy against such an unconstitutional exercise of power by Congress, although the issue is plainly justiciable.

The novelty of the question prevents a more definite answer to your inquiry. It is for the legislature, in its wisdom, to determine whether a question of such vital importance to the State involving, as it does, a principle capable of indefinite application in the broad and paternalistic field of social welfare should not be submitted for adjudication to our highest court.

2. It remains to be considered whether suit may be brought against the Federal officials whose duty it is to administer the act.

In Mississippi v. Johnson (4 Wall. 475) the Supreme Court denied leave to file a bill against President Johnson to restrain him from putting the reconstruction acts into force. In Georgia v. Stanton (6 Wall. 50) the Supreme Court dismissed a similar bill, as already stated. The circumstances which led to the passage of these bills, which were designed to create a temporary government for the seceded States, and the effect of later decisions afford ground for belief that those decisions would not govern in the present case.

MAY ACT AGAINST OFFICIALS.

Later cases hold that suit will lie where rights of property are unlawfully invaded by Federal officers and where the United States is not a defendant or a necessary party. (United States v. Lee, 106 U. S. 196, 204–208; Noble v. Union River Logging R. R., 147 U. S. 165, 171, 172; Belknap v. Schild, 161 U. S. 10, 18; School of Magnetic Healing v. McAnnulty, 187 U. S. 94; Lane v. Watts, 234 U. S. 525, 540.) Furthermore, the court has frequently held broadly that State officers clothed with some duty in regard to the enforcement of the laws of the State may be enjoined from proceeding under an unconstitutional statute which they are about to enforce to the plaintiff's injury, and that a suit for such injunction can not be regarded as a suit against the State. (Osborn v. United States Bank, 9 Wheat. 738, 846, 857; Davis v. Gray, 16 Wall. 203; Pennoyer v. McConnaughy, 140 U. S. 1, 10; Smyth v. Ames, 169 U. S. 466, 518, 519; Ex parte Young, 209 U. S. 123, 149, 155, 156; Western Union Telegraph Co. v. Andrews, 216 U. S. 165; Truax v. Raich, 239 U. S. 33, 37; Greene v. Louisville & I. R. R. Co., 244 U. S. 499, 506, 507.) Recently this same principle has also been extended to suits against Federal officers seeking to restrain them from acting under statutes alleged to be unconstitutional. (Philadelphia Co. v. Stimson, 223 U. S. 605, 619, 620; Wilson v. New, 243 U. S. 332; Hammer v. Dagenhart, 247 U. S. 251.) Federal jurisdiction does not depend on diversity of citizenship, but exists because such suits arise under the Constitution or laws of the United States. (Ex parte Young, 209 U. S. 123, 143–145.)

CITES PROHIBITION RULING.

In the National Prohibition cases (253 U. S. 350) two of the cases were suits by the States of Rhode Island and New Jersey against the Attorney General and the Commissioner of Internal Revenue, seeking to have the eighteenth amendment and the Volstead Act declared unconstitutional and void and to enjoin the enforcement of the act. The main ground on which unconstitutionality was claimed was that the amendment and the act constituted an interference with the sovereign rights of the States to govern their internal affairs; that is, the local police power. Original bills in each of the two cases were permitted by the court to be filed (252 U. S. 570), and no question of jurisdiction was raised or reserved in the opinion by which all the suits were dismissed on the merits.

The opinion in the recent case of Texas v. Interstate Commerce Commission, No. 24 Original, October term, 1921, contains an intimation that the original jurisdiction of the court over suits where States are parties may be somewhat narrow, but the decision of the case goes on the ground that necessary parties were not before the court.

I conclude, therefore, that assuming that the Commonwealth may bring the suit as party plaintiff, the fact that the defendants would be Federal officials would not defeat it.

INCONSISTENT TO ACCEPT ACT.

III. Your third question is whether the Commonwealth by accepting the act would waive any right it may have to contest the constitutionality of the act before the courts of the United States.

The act provides that any State in order to secure the benefit of Federal appropriations must accept the provisions of the act, designate the State agency with which the Children's Bureau is to cooperate, and submit to the Children's Bureau detailed plans for carrying out the provisions of the act within the State. It contemplates also appropriations by the State to match Federal appropriations. These provisions, it seems to me, must be construed as a proposal for a contract with the several States which, when accepted by any State, would constitute an agreement by the State to be bound by the terms of the act, if such an agreement could be made. Whether the State, acting by its legislature alone, or in any manner other than that provided by the Constitution itself, can contract away its sovereign rights is a matter of grave doubt. But apart from any question of the validity of such a contract, there would appear to be an inconsistency in accepting the benefits of the act and then bringing suit to avoid its obligations and effect.

I am, therefore, of opinion that the passage of an act by the general court accepting the provisions of the Sheppard-Towner Act would place the Commonwealth in a less favorable position to contest its validity.

Very truly yours,

J. WESTON ALLEN,
Attorney General.

Mr. TUCKER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the Liberian bill.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The extension of remarks referred to are here printed in full as follows:

Mr. TUCKER. Mr. Speaker, this resolution is before the House because it is recognized that no legal liability on the Government of the United States to grant this loan has arisen out of the negotiations between the two countries; but the initial principle upon which the advocates of this resolution ask for its passage is that the negotiations between the two countries constitute an equitable or moral obligation on the part of the United States to carry out the loan. If such a moral obligation exists, whether I approved the original proposition or not, I would feel bound to aid in carrying it out by my vote for this measure. To this question, therefore, I invite the attention of the House.

The second Liberty loan act, approved September 24, 1917, authorized the President to extend the credit of this Government to any country that was engaged in war with Germany. The language of the act is as follows:

That for the purpose of more effectually providing for the national security and defense and prosecuting the war the Secretary of the Treasury, with the approval of the President, is hereby authorized, on

behalf of the United States, to establish credits with the United States for any of the foreign Governments then engaged in war with the enemies of the United States.

But with this distinct limitation:

With the limitation that this authority should cease upon the termination of the war between the United States and the Imperial German Government.

The act was passed, as the above language indicates, to provide for our "national security and defense" and for the more vigorous prosecution of the war, and the extraordinary authority granted the President, which he could only possess by reason of the act, was limited to the duration of the war. This being so, if a moral obligation has been created by anything done or accomplished from the passage of this act, September 24, 1917, to the close of the war, it is our duty to carry it out. The act was passed as a war measure. Its object was to aid in its prosecution, and it was properly limited to the duration of the war. Now, there is no question about the fact that the Liberian Government was informed that a credit for $5,000,000 had been granted that country, for on September 19, 1918, the Liberian Government, through its President, expressed its most grateful sentiments of appreciation for the act; but it must not be forgotten that the United States gave the credit on conditions, and the President of Liberia accepted it without complying with the conditions. The minds of the two parties, therefore, never met. On September 12, 1918, Secretary Lansing sent the following telegram to the American Legation at Monrovia:

AMLEGATION, *Monrovia:*

The Treasury has established credit of $5,000,000 in favor of Liberia. Before any part of the money is available, however, department must have the following:

(a) Copy of portion of Liberian constitution providing for legislation authorizing the Liberian Government to borrow money.

(b) Copy of law authorizing loan enacted in accordance with said provision of constitution.

(c) Copy of proceedings on the part of the executive branch of the Liberian Government in accordance with said law.

(d) Copy of full powers given Liberian representative in United States authorizing him to sign such obligations as may be necessary and to receive the advances or take such other steps as the Liberian law may require.

You are instructed to inform the Liberian Government immediately of the establishment of this credit and the legal formalities this Government considers necessary.

LANSING.

Lansing's telegram admits that the United States had established a credit of $5,000,000 in favor of Liberia, but that same telegram, as you notice, declares, "before any part of this money is available, however, department must have the following," and so on, quoting the necessary conditions upon which the credit is to be available, and then, to leave the matter without doubt, he adds:

You are instructed to inform the Liberian Government immediately of the establishment of this credit and the legal formalities this Government considers necessary.

These conditions contained in the telegram announcing the establishment of the credit were never complied with until October, 1921, after the close of the war. Liberia needed money. If, as gentlemen say, the establishment of this credit was *fait accompli*, why did Liberia, urging and pleading for the loan, fail to draw the money which was to her credit in the Treasury of the United States? Clearly because these conditions had never been complied with, and were only complied with three years afterwards, in October, 1921. But to get the advantage of this loan that compliance had to be made before the close of the war, and it is admitted that such conditions were not complied with up to that date. How stands, then, the moral obligation? We may have agreed in order to get Liberia's influence against Germany to loan her this money in order to prosecute the war successfully. That was the principle laid down in the law; that was the object of the law which gave the President the right to create the loan. But it was clearly a war purpose, and the limitation in time under the law was the termination of the war with Germany. Suppose an agreement in which I agree to do a thing for a certain man for a certain purpose; the purpose fails, and the man attempts to hold me on an equitable or moral obligation to do the thing for another purpose which I do not approve of. Clearly no moral obligation attaches to me in such a case. I may agree to loan a friend $100 to take care of his family afflicted with smallpox; but suppose that friend, when his family have recovered from the disease, comes and demands that I loan him the $100 for business purposes that I failed to let him have though I had agreed to it. Is there any moral obligation on me to loan that man the money? My agreement was based on my sympathy for him and his family afflicted with a loathsome disease. The sickness is past, the children are well, the wife is out, and for some unexplained reason he never came to get the money. Why should I feel compelled to loan the man $100 for business purposes simply because I was willing to loan him $100 for humane purposes? Can there be any moral obligation there? My condition may have changed. My family may by that time have contracted smallpox themselves. And this proposition to-day is pressed to passage in this House, based on a supposed moral obligation on the part of the United States growing out of a conditional agreement to loan Liberia money for carrying on the war against Germany. But the war is over; so Liberia and her advocates on this floor say we must pay it for "the proper protection and promotion of American commercial interests on the west coast of Africa." (Secretary Hughes, p. 123 of hearings before the House Committee on Ways and Means.) The occasion which produced the need of the money, the war, is past. It was sought for war purposes, and now the aim is to hold the United States by a moral obligation to lend this money to Liberia for other purposes. Could an agreement by the United States to grant the loan to Liberia in order to prosecute the war *against* Germany be held by any sane man to constitute a moral obligation on the part of the United States to make a loan to Liberia now *in order to make war on Great Britain?* Is not the purpose of the loan the key that unlocks the door to the moral obligation? If that be changed, does not all obligation fade away?

Secretary Hughes says unequivocally he believes the United States is under a moral obligation to carry out this loan, but his opinion is weakened by his further statements—found in hearings before the Ways and Means Committee on pages 121, 122, and 123—on the subject in a letter to Senator Penrose of June 22, 1921, as follows:

In view of the time which has elapsed since the establishment of the credit and *the questions which might well be raised as to the propriety at this time of advancing money to Liberia as a war measure*, it is hoped that Congress will by joint resolution authorize specifically the proposed loan.

And further in a communication to the President, July 29, 1921:

The negotiations were had and proceeded to the point of an announced commitment at a time when the broad authority conferred in connection with the prosecution of the war was adequate to the consummation of the plan, and the fact that this authority may not be deemed longer to exist, while making it impossible to proceed without congressional sanction, does not, in my judgment, change the fact that assurances were given which should be made good.

And again in the same communication he says:

In view of these circumstances and the obligation to which they give rise, to which we can not fail to be sensitive, I need not dwell upon the facts that the extension of this loan is highly important from the standpoint *of the proper protection and promotion of American commercial interests on the west coast of Africa.*

In these statements the Secretary practically admits it is too late to claim authority for the loan under the Liberty loan act of September, 1917, as a war measure, for, as above quoted, he says:

In view of * * * the questions which might well be raised as to the propriety at this time of advancing money to Liberia as a war measure, it is hoped that Congress will by joint resolution authorize specifically the proposed loan.

Too late, thinks the Secretary, to carry out the loan as a war measure. The President no longer has power to act, as the war is over. So he pathetically appeals to Congress to "authorize specifically the proposed loan"; and for what purpose? To carry on the war against Germany? No; that is over, but for the "proper protection and promotion of American commercial interests on the West Coast of Africa." He wants Congress to start *de novo*, eliminating legal and moral obligations of the past, and with a clean slate asks us to go into a colonization scheme thousands of miles across the seas, with boundary disputes with every country of Europe, that must lead us into untold entanglements with them. Is not the slogan of the Republican Party "No entangling alliances abroad"?

This is the most remarkable proposition ever presented to the American Congress. It is an attempt under the guise of a moral obligation to do a certain thing, to give this money for an entirely different purpose, and thereby add to our possessions abroad, Liberia, when we are trying to get rid of some of those we have; to create another obstacle to international peace by extending our possessions instead of curtailing them. And all this, too, when to-day the immense debt of twenty-odd billions of dollars growing out of the war is upon us; with the majority on the Republican side of the House appealing day by day to us for economy; with the Secretary of the Treasury announcing the practical certainty of half a billion dollars deficiency next year, with its probable increase to a billion; with the necessity of sending a part of our already reduced Army and Navy to Liberia for police purposes.

The final agreement signed by the Secretary of State and the Liberian commissioner, October 28, 1921, in the city of Washington, as seen on page 124 of the hearings before the Committee on Ways and Means, "lets the cat out of the bag." I will not analyze it, but will content myself with making the simple

statement that it is an agreement for this country to take over Liberia, as we have taken over the Philippines; take charge of their revenues; providing for the appointment of a commission to control the country at enormous cost; the appointment of a financial commissioner, at a salary of $15,000 per annum; deputy commissioner, at $10,000 per annum; auditor, at $6,000 per annum; three administrative assistants of class 1, at $6,000 per annum; ten administrative assistants of class 2, at $4,000 per annum; two administrative assistants of class 3, at $3,000 per annum. These, of course, are to be appointed practically by the President of the United States. And we are to send our Army officers there to train their people to be soldiers, as they have none now. We are reducing our Army and Navy at home to lessen the chance of war, and we are to send the representatives of our Army to Liberia to increase the chances of war.

At this time, at any time, this proposition, should it pass, will receive, as it will deserve, the condemnation of the American people.

ENROLLED BILLS SIGNED.

Mr. RICKETTS, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title, when the Speaker signed the same:

H. R. 4069. An act authorizing the Secretary of the Interior to sell certain lands on the Wind River Reservation, Wyo.

ANNOUNCEMENT.

Mr. GREENE of Vermont. Mr. Speaker, I am requested by the chairman of the Committee on Military Affairs to ask permission of the House to give notice that to-night at 8 o'clock, in the caucus room of the House Office Building, Colonel Davis, of the United States Cavalry, who was an observer on the staff of General Allenby during the campaign of the World War in Palestine, Syria, and so forth, will speak and give an illustrated lecture on his experiences in that part of the campaign.

ADJOURNMENT.

Mr. McKENZIE Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 56 minutes p. m.) the House adjourned until to-morrow, Friday, May 12, 1922, at 12 o'clock noon.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. FOCHT: Committee on District of Columbia. H. R. 10390. A bill to amend the act entitled "An act to fix and regulate the salaries of teachers, school officers, and other employees of the Board of Education of the District of Columbia," approved June 20, 1906, and for other purposes; without amendment (Rept. No. 1002). Referred to the Committee of the Whole House on the state of the Union.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII the Committee on Interstate and Foreign Commerce was discharged from the consideration of the bill (H. R. 11335) for the relief of the widows of certain officers and enlisted men of the United States Navy, and the same was referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. WALSH (by request): A bill (H. R. 11623) incorporating the Veterans of Foreign Wars of the United States; to the Committee on the Judiciary.

By Mr. FOCHT: A bill (H. R. 11624) to tax motor-bus companies and other transportation companies operating in the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

Also, a bill (H. R. 11625) to provide for the widening of Nichols Avenue between Good Hope Road and S Street SE.; to the Committee on the District of Columbia.

By Mr. FAVROT: A bill (H. R. 11626) to extend the time for constructing a bridge across the Mississippi River at or near the city of Baton Rouge, La.; to the Committee on Interstate and Foreign Commerce.

By Mr. LONDON: A bill (H. R. 11627) granting amnesty in certain cases; to the Committee on the Judiciary.

By Mr. GRIFFIN: A bill (H. R. 11628) granting amnesty in certain cases; to the Committee on the Judiciary.

By Mr. RYAN: A bill (H. R. 11629) to prevent open conflict between various State and Federal officers and to allay the present unrest of labor in every State of the Union, and to amend the national prohibition act; to the Committee on the Judiciary.

By Mr. WALSH: A resolution (H. Res. 346) for the immediate consideration of H. R. 11450, "A bill to provide for printing and distributing of the Supreme Court Reports, and amending sections 225, 226, 227, and 228 of the Judicial Code"; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. LAMPERT: A bill (H. R. 11630) granting a pension to Clara E. Cady; to the Committee on Invalid Pensions.

By Mr. NEWTON of Minnesota: A bill (H. R. 11631) granting a pension to Ella A. Record; to the Committee on Invalid Pensions.

By Mr. SMITHWICK: A bill (H. R. 11632) granting a pension to Angie Scanks; to the Committee on Invalid Pensions.

PETITIONS, ETC.

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

5559. By Mr. APPLEBY: Affidavits to accompany House bill 11593, granting an increase of pension to Philip Hawk; to the Committee on Invalid Pensions.

5560. By Mr. BECK: Petition of Adolph Malmke and other residents of Wisconsin, urging the passage of House bill 8086 relative to filled milk and oleomargarine; to the Committee on Ways and Means.

5561. By Mr. BIXLER: Petition of residents of Warren, Pa., opposing the passage of Senate bill 3083, which threatens the best interest of Lucy Webb Hayes Training School and Sibley Memorial Hospital; to the Committee on the District of Columbia.

5562. By Mr. CULLEN: Resolution adopted by the New York Chapter, Military Order of the World War, relative to the Army appropriation bill; to the Committee on Appropriations.

5563. Also, resolution adopted by the members of Homestead Aerie, No. 769, Fraternal Order of Eagles, urging the modification of the existing prohibition laws; to the Committee on the Judiciary.

5564. By Mr. HAYS: Petition of Elmer Davis and eight other citizens of Ava, Mo., protesting against the passage of House bills 9753 and 4388 and Senate bill 1948; to the Committee on the District of Columbia.

5565. By Mr. KISSEL: Petition of Scarsdale Post, No. 52, Scarsdale, N. Y., relative to the personnel of the Navy; to the Committee on Appropriations.

5566. Also, petition of United Mine Workers Journal, Indianapolis, Ind., relative to coal miners; to the Committee on Labor.

5567. Also, petition of Mississippi Valley Association, St. Louis, urging the acceptance of Ford's offer for Muscle Shoals; to the Committee on Military Affairs.

5568. By Mr. RAKER: Petition of George Triantopoulos, San Francisco, Calif., relative to American assistance for the Greeks in their war with Turkey; to the Committee on Foreign Affairs.

5569. Also, petition of D. Ghiradelli Co., of San Francisco, Calif., relative to the tariff on cocoa and chocolate, and the Homer Knowles Pottery Co., of Santa Clara, Calif., indorsing the American valuation plan in the tariff bill; to the Committee on Ways and Means.

5570. Also, petition of the California Commandery, Naval and Military Order of the Spanish-American War, Los Angeles, Calif., protesting against any reduction of the naval and military forces of this country below the strength recommended by the War and Navy Departments; to the Committee on Appropriations.

5571. Also, petition of Chamber of Commerce of the State of New York, N. Y., relative to Federal legislation for the export trade; to the Committee on Interstate and Foreign Commerce.

5572. Also, petition of F. Louise Gianetti, president, American Women's Overseas League, of Pasadena, Calif., urging passage of House bill 7299, to incorporate the Women's Overseas Service League; to the Committee on the Judiciary.

5573. By Mr. SUMMERS of Washington: Petition of numerous voters of Yakima, Wash., protesting against the passage of House bill 9753 or Senate bill 1948; to the Committee on the District of Columbia.

5574. By Mr. WALSH: Petition of Priscilla S. Covington, of Bridgewater, Mass., opposing legislation to secure Sunday as a day of rest in the District of Columbia; to the Committee on the District of Columbia.