

5791. Also, petition of Emerson-Brantingham Co., of Rockford, Ill., favoring the McNary-Smith reclamation bill; to the Committee on Irrigation of Arid Lands.

5792. Also, petition of the Goding Shoe Co., of Chicago, and the Jos. Saenger Mercantile Co., of Belleville, Ill., protesting against a tariff on hides; to the Committee on Ways and Means.

5793. Also, petition of the Free Sewing Machine Co., of Rockford, Ill., favoring a tariff on sewing machines; to the Committee on Ways and Means.

5794. Also, petition of the American Nickeloid Co., of Peru, Ill., favoring a tariff on plated or coated tin plate; to the Committee on Ways and Means.

5795. Also, petition of the Peoria Farm Bureau, the Tazewell County Farm Bureau, the Association of Commerce of Pekin, Ill., and the American Distilling Co., for a tariff duty on blackstrap molasses; to the Committee on Ways and Means.

5796. Also, petition of I. I. Hanna, of Ottawa, Ill., opposing a high tariff on potash salts; to the Committee on Ways and Means.

5797. Also, petition of the Godfrey-Brewer Investment Co., of Rockford, Ill., favoring the Green resolution, to prohibit the issue of tax-exempt securities; to the Committee on Ways and Means.

5798. Also, resolutions of the Texas Chamber of Commerce, favoring a constitutional amendment to prohibit any further issue of tax-exempt securities, and favoring the repeal of section 28 of the shipping act; to the Committee on Ways and Means.

5799. Also, resolutions of the Hamilton Club, of Chicago, favoring a Navy personnel of 80,000 enlisted men and 6,000 apprentices under training; to the Committee on Appropriations.

5800. Also, resolutions of the Women's International League for Peace and Freedom, favoring the abolition of war, and suggesting various measures to that end; to the Committee on Military Affairs.

5801. Also, petition of Frank Jaycox, commander of the Colonel Thomas G. Lawler Post, No. 342, Veterans of Foreign Wars, favoring bill to place on the retired list disabled emergency officers of the Army who served in the late World War; to the Committee on Military Affairs.

5802. Also, petition of the Third National Bank of Rockford, Ill., favoring bill for perpetual charters for national banks; to the Committee on Banking and Currency.

5803. Also, petition of the International Association of Fire Fighters, favoring the modification of the prohibition enforcement law; to the Committee on the Judiciary.

5804. Also, petition of the National Dairy Union, favoring H. R. 8086, relating to the manufacture and sale of filled milk or the transportation thereof in interstate commerce; to the Committee on Agriculture.

5805. Also, resolutions of the Hamilton Club, of Chicago, favoring a provision in the Budget that will render Great Lakes Naval Training Station as useful in the future as it has been in the past; to the Committee on Appropriations.

5806. By Mr. GALLIVAN: Petition of Rosina W. Sheldon, chairman legislative committee, American Legion Auxiliary, Department of Massachusetts, Salem, Mass., urging passage of the Bursum bill; to the Committee on Military Affairs.

5807. By Mr. KELLY of Pennsylvania: Resolutions adopted by the Pennsylvania State Chamber of Commerce, favoring taxation of exempt securities; to the Committee on Ways and Means.

5808. By Mr. KISSEL: Petition of the Brooklyn College of Pharmacy, Brooklyn, N. Y., relative to the tariff duty on glassware and chemical apparatus; to the Committee on Ways and Means.

5809. Also, petition of Baugh & Son Co., Baltimore, Md., opposing the proposed tariff bill; to the Committee on Ways and Means.

5810. By Mr. LARSON of Minnesota: Petition of the Presbytery of Duluth, Duluth, Minn., indorsing House bill 9753, regarding Sunday observance in the District of Columbia; to the Committee on the District of Columbia.

5811. By Mr. LEA of California: Petition of 70 citizens of Oakland, Calif., protesting against the passage of pending Sunday legislation bills; to the Committee on the District of Columbia.

5812. By Mr. LINTHICUM: Resolution of the Baltimore Federation of Labor, urging support of House bill 10646; to the Committee on Interstate and Foreign Commerce.

5813. Also, petition of Farmers & Planters' Co., Salisbury, Md., opposing tax on potash; to the Committee on Ways and Means.

5814. Also, petition of the Baltimore Live Stock Exchange and the Union Stock Yard Co., Baltimore, Md., protesting against Senate bill 3298, to allow State supervision over weighing at public stockyards; to the Committee on Agriculture.

5815. Also, petition of George W. Hardy, president Maryland State Game and Fish Protection Association, Baltimore, Md., favoring passage of House bill 5823 without amendment; to the Committee on Agriculture.

5816. By Mr. RAKER: Petitions of Eddie Schmidt, Popkin & Nestor, Chas. Levy & Son, and Edwin Hartley, all of Los Angeles, Calif., protesting against paragraph 1116, H. R. 7456, and the Carded Woolen Manufacturers' Association, of Boston, Mass., relative to reform in the framing of wool schedules; to the Committee on Ways and Means.

5817. Also, petition of Mrs. W. B. Hamilton, acting chairman of the Vigilant Committee, of San Francisco, Calif., urging an appropriation for the carrying on of the work of the Interdepartmental Social Hygiene Board; to the Committee on Appropriations.

5818. Also, petition of the National Milk Producers' Federation, of Washington, D. C., indorsing H. R. 8086, the Voigt bill, to prohibit the movement in interstate and foreign commerce of so-called filled milk; to the Committee on Agriculture.

5819. By Mr. ROSSDALE: Resolution adopted by the Bronx Board of Trade, of New York City, recommending that the Stanley bill should not be approved; to the Committee on Patents.

5820. By Mr. WILLIAMSON: Petition of W. W. Thompson and many other residents of Hot Springs, S. Dak., urging the passage of the Bursum and Morgan bills; to the Committee on Invalid Pensions.

## SENATE.

SATURDAY, May 27, 1922.

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

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

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

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

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

Borah	Harrell	McLean	Rawson
Brandeggee	Harris	McNary	Robinson
Broussard	Harrison	Moses	Sheppard
Bursum	Heflin	Myers	Shortridge
Calder	Hitchcock	Nelson	Simmons
Capper	Johnson	New	Smoot
Caraway	Jones, N. Mex.	Newberry	Spencer
Cummins	Jones, Wash.	Nicholson	Sterling
Curtis	Kellogg	Norbeck	Sutherland
Dial	Kendrick	Norris	Townsend
Dillingham	Ladd	Oddie	Underwood
Elkins	La Follette	Overman	Wadsworth
Ernst	Lenroot	Page	Walsh, Mont.
Fletcher	Lodge	Pepper	Warren
France	McCormick	Phipps	Watson, Ga.
Gooding	McCumber	Poindexter	
Hale	McKinley	Ransdell	

Mr. MOSES. I wish to announce the absence of my colleague [Mr. KEYES] on account of illness. I ask that this announcement may stand for all roll calls during the day.

The PRESIDENT pro tempore. Sixty-six Senators have answered to their names. There is a quorum present.

## MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. Overhuc, its enrolling clerk, announced that the House had passed a bill (H. R. 11450) to provide for the printing and distribution of the Supreme Court Reports, and amending sections 225, 226, 227, and 228 of the Judicial Code, in which it requested the concurrence of the Senate.

The message also announced that the House had passed the bill (S. 745) to amend section 24 and section 256 of the Judicial Code.

## ENROLLED BILL SIGNED.

The message further announced that the Speaker of the House had signed the enrolled bill (S. 2263) to amend the Federal Reserve Act approved December 23, 1913, and it was thereupon signed by the President pro tempore.

## REPORTS OF COMMITTEES.

Mr. HARRELD, from the Committee on Claims, to which was referred the bill (H. R. 9048) to authorize the California Débris Commission to reimburse the city of Sacramento, Calif.,

for money expended by said city in the construction of the Sacramento weir, reported it without amendment and submitted a report (No. 725) thereon.

Mr. CALDER, from the Committee on Banking and Currency, to which was referred the bill (H. R. 9527) to amend section 5136, Revised Statutes of the United States, relating to corporate powers of associations, so as to provide succession thereof until dissolved, and to apply said section as so amended to all national banking associations, reported it with amendments.

#### BILLS INTRODUCED.

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

By Mr. HARRELD:

A bill (S. 3651) granting a pension to Nancy A. Hailey; to the Committee on Pensions.

By Mr. WALSH of Montana:

A bill (S. 3652) for the relief of the estate of James W. Mardis; to the Committee on Claims.

By Mr. KELLOGG:

A bill (S. 3653) granting a pension to Ella Mitchell York; to the Committee on Pensions.

By Mr. CAPPER:

A bill (S. 3654) to repeal section 28 of an act entitled "An act to provide for the promotion and maintenance of the American merchant marine, to repeal certain emergency legislation, and provide for the disposition, regulation, and use of property acquired thereunder, and for other purposes," approved June 5, 1920; to the Committee on Commerce.

By Mr. NORBECK:

A bill (S. 3655) granting an increase of pension to Betsy Anderson (with accompanying papers); to the Committee on Pensions.

#### AMENDMENT TO NAVAL APPROPRIATION BILL.

Mr. JONES of Washington submitted an amendment proposing to appropriate \$100,000 for the employment of draftsmen and other technical employees in the Hydrographic Office for the construction, compilation, and reproduction of nautical charts, etc., intended to be proposed by him to House bill 11228, the Navy Department appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

#### AMENDMENT TO DEFICIENCY APPROPRIATION BILL.

Mr. LODGE submitted an amendment proposing to appropriate \$15,956 covering certain items of unavailable funds in the accounts of the Assistant Treasurer of the United States, and in the general account of the Treasurer of the United States, representing a shortage found upon discontinuance, October 25, 1920, of the subtreasury at Boston, Mass., etc., intended to be proposed by him to the general deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

#### HOUSE BILL REFERRED.

The bill (H. R. 11450) to provide for the printing and distribution of the Supreme Court reports, and amending sections 225, 226, 227, and 228 of the Judicial Code, was read twice by its title and referred to the Committee on the Judiciary.

#### CONTINUATION OF LAND OFFICES.

Mr. NORRIS. Mr. President, last night during my absence from the Chamber the Senate passed the bill (S. 3425) to continue certain land offices, and for other purposes. The bill was passed with certain amendments. The bill is still in the possession of the Senate; it has not been sent to the House.

Certain land offices, which were omitted by mistake in the act making appropriations for the Department of the Interior, were included in the bill which passed the Senate last night, with the exception of one, the land office in Nebraska, which is exactly the same as the others and has the same recommendation from the Secretary of the Interior. As nearly as I can learn, there is no objection to the bill, and I think there will be no objection to the amendment which I desire to offer. In order that I may offer it, I ask unanimous consent to reconsider the votes by which the bill was ordered to a third reading and passed.

The PRESIDENT pro tempore. The Senator from Nebraska asks unanimous consent that the votes by which Senate bill 3425 was ordered to a third reading and passed may be reconsidered. Is there objection? The Chair hears none, and the votes are reconsidered.

Mr. NORRIS. I move to amend the bill by inserting in line 9, page 1, after the word "Arkansas," "Alliance and Broken Bow, in the State of Nebraska."

The amendment was agreed to.

Mr. SPENCER. Mr. President, I have upon my desk an amendment, which I intended to propose to the bill, providing for the land office which has existed for many years at Springfield, Mo., and which is, according to my information, in precisely the same situation as the other offices. It was omitted for some reason. I move, after the amendment just incorporated in the bill, that there be inserted the words "Springfield, in the State of Missouri." Then the bill can go to the House with all these land offices in it.

The PRESIDING OFFICER (Mr. SUTHERLAND in the chair). The amendment will be stated.

The READING CLERK. After the amendment just agreed to, the Senator from Missouri proposes to insert:

Springfield, in the State of Missouri.

Mr. OVERMAN. Mr. President, I want to say again that all these matters were before the Appropriations Committee, and hearings were had and many of the offices were omitted. I am not going to object at this time, but the Appropriations Committee was asked to provide for all these land offices and did provide for many of them. There was some mistake made, I admit, which ought to be corrected as to some of them, but there are some asked to be included now upon which there were hearings had and due consideration given by the committee. The committee turned them down, and the appropriation bill passed the House of Representatives without providing for them. I am willing that some of them may go in and let the House settle the question.

Mr. McCUMBER. Mr. President, may I say to the Senator that probably there would not have been a mistake if the committee having that bill before them had just notified the Senators from the States affected that such a matter was being considered. I know that neither my colleague nor myself had any knowledge whatever that there was any such provision in the bill or we would have gone before the committee and presented reasons to the committee which would have satisfied them.

Mr. OVERMAN. I am sorry the Senator was not there, but several Senators did come, and they presented their matters to the committee.

Mr. NORRIS. Will the Senator from North Carolina yield to me?

Mr. OVERMAN. I yield.

Mr. NORRIS. I think I can make it plain as to how this misunderstanding occurred.

The PRESIDING OFFICER. The Senator from Missouri has the floor, but yielded temporarily to the Senator from North Carolina [Mr. OVERMAN].

Mr. NORRIS. Will the Senator from Missouri yield to me?

Mr. SPENCER. I yield to the Senator from Nebraska.

Mr. NORRIS. Mr. President, the Senator from Utah [Mr. SMOOT] is the chairman of the Committee on Public Lands and Surveys, and it was before that committee that these various bills were pending. Everybody knows that so long as the tariff bill is before the Senate for consideration the Senator from Utah, being a member of the Committee on Finance, can not attend to the detailed duties of the committee of which he is chairman. I happen to be the next Senator in rank on that committee. The Senator from Utah has several times had conferences with me with a view of calling that committee together for the consideration of these bills. We thought of notifying all the other Senators who had introduced various bills in reference to the general subject. I have been also tied up with the Agricultural Committee nearly as much as has the Senator from Utah with the Committee on Finance. I had, however, told the Senator from Utah and also other Senators having bills in reference to this subject that as soon as I could arrange it I would notify the Senator from Utah so that he could call a meeting of the Committee on Public Lands and Surveys, and that I would attend and take charge of the meeting. I intended to give the Senator from Utah that notice this morning, as I had arranged matters in the Agricultural Committee so that a meeting of the Public Lands Committee could be held on Monday morning next to consider these bills.

Mr. OVERMAN. Mr. President—

Mr. NORRIS. Just let me finish this statement. So far as I know, though I have not looked into the facts in reference to all of them, all of these land offices occupy exactly the same position, and it was really a mistake when they were left out of the appropriation bill. The Secretary of the Interior, as to all of the offices with which I am familiar, has recommended their continuation. I have no knowledge as to some of these offices, because the committee has not had a meeting, and I have not considered some of them and do not know whether or not the pending amendment covers one of the offices which the Secretary of the Interior has recommended shall be continued.



Mr. OVERMAN. I merely desire to state that this matter came over to the Senate from the House of Representatives. It was represented to the Senate that there had been due consideration given to these land offices. There was a member of the subcommittee from one of the Western States who knew all about these land offices, and he stated that provision had been made for those which were deemed necessary, but he admitted that there was one mistake, and only one. I am not going to object, but I am merely explaining the status of the matter. It now appears that there are four offices as to which it is admitted a mistake was made. It was then proposed to get a general bill or joint resolution passed through the House of Representatives covering those four offices.

It may be perfectly proper to pass this bill and let it go over to the House of Representatives and let the matter be considered over there. I repeat, I am not going to object in any way at all, but I am merely explaining the situation.

A good many Senators insisted that their States be considered and provided for in the appropriation bill. Hearings were given by the other House. I am sorry that the Senator from South Dakota was not notified. It was not our fault; the bill was here, and I thought every Senator was given a hearing who desired a hearing, and the bill was considered and passed. I am not going to throw any obstacle in the way of the passage of the pending bill. Let the bill pass and go over to the House of Representatives. I am merely explaining how it was that these land offices were left out by the House of Representatives.

Mr. SPENCER. Mr. President, the Senator from North Carolina [Mr. OVERMAN] is entirely right in regard to these land offices. As a matter of fact, the Committee on Appropriations approved them, and the Senate, at least so far as the one I am now speaking of, provided for them; but when the matter got to conference in the other House some of them were eliminated. The purpose of this bill is merely to ascertain if there has not been a mistake in regard to some of these offices. Of course, it is perfectly fair that they all shall have consideration.

Mr. OVERMAN. I agree to that.

Mr. SPENCER. Therefore I ask that my proposed amendment be now stated.

The PRESIDING OFFICER. The Secretary will state the amendment to the pending bill proposed by the Senator from Missouri.

The READING CLERK. In the amendment agreed to on last evening between the names "New Mexico" and "Harrison" it is proposed to strike out the word "and," and following the name "Nebraska," in the amendment heretofore agreed to, to insert the words "and Springfield, in the State of Missouri."

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Missouri.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### TRADE WITH CHINA.

Mr. CUMMINS. Mr. President, I ask unanimous consent that the tariff bill may be temporarily laid aside and that the Senate proceed to the consideration of the conference report on the bill (H. R. 4810) to authorize the incorporation of companies to promote trade in China.

Mr. ROBINSON. Mr. President, the Senator from Wisconsin [Mr. LA FOLLETTE] desires to be present when the conference report is considered. He stated to me a moment ago that he was compelled to leave the Chamber to meet some engagements, and desired that the conference report be not considered in his absence. In view of his request, I shall be compelled to object to the present consideration of the conference report, although I myself have no objection to it.

Mr. CUMMINS. I recognize that a single objection at this time will prevent the consideration of the report. I desire to say that while I shall not do so at this moment, very soon I shall be compelled to move that the Senate proceed to the consideration of the conference report, for it is highly necessary that the report be disposed of one way or another.

#### RAILROAD AND HIGHWAY EASEMENT, FORT SHERIDAN, ILL.

Mr. MCKINLEY. Mr. President—

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

Mr. MCKINLEY. I ask unanimous consent for the present consideration of the bill (H. R. 241) to authorize the Secretary of War to grant a perpetual easement for railroad right of way and a right of way for a public highway over and upon a portion of the military reservation of Fort Sheridan, in the State of Illinois.

The bill has passed the House of Representatives unanimously, and, in his report on the measure, the Secretary of War says:

The bill as drawn has been reviewed and approved by the local military authorities, as well as the railroad company and the city of Lake Forest. For reasons as stated, it is urgently recommended that the bill in its present form be enacted into law.

That is the statement of the Secretary of War.

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

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

Mr. FLETCHER. Mr. President, the Senator from Illinois in his statement with regard to this measure, as I understood—

Mr. WARREN. If the Senator will allow me, I will say that the bill has been reported unanimously from the Committee on Military Affairs.

Mr. FLETCHER. I understand that, but I am not quite clear about its effect. As I understand, the Government is giving a perpetual easement or right of way; but it is really to the advantage of the Government as well as to the public generally to take that action.

Mr. MCKINLEY. Yes, sir; it is proposed to change the route. The road is there now, but by changing its location it will be possible to eliminate two railroad crossings. The bill is designed to accomplish that purpose.

Mr. FLETCHER. I have some recollection of that now.

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

#### SECOND ASSISTANT SECRETARY, DEPARTMENT OF LABOR.

Mr. BORAH. Mr. President—

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

Mr. BORAH. I desire to direct the attention of the Senate for a moment to Senate bill 3396, being order of business 671. This is a bill to create a second assistant secretary for the Department of Labor. I am asked to present this bill at the urgent request of the Secretary of Labor, who says that the duties of the department are such that it is necessary to have some additional assistance. I ask unanimous consent for the immediate consideration of the bill.

There being no objection, the Senate as in Committee of the Whole proceeded to consider the bill (S. 3396) creating the positions of second assistant secretary and private secretary in the Department of Labor, which had been reported with an amendment in section 3, on page 2, line 9, after the word "hereby," to strike out "appropriated" and insert "authorized to be appropriated," so as to make the bill read:

*Be it enacted, etc.,* That there shall be in the Department of Labor an additional Secretary, who shall be known and designated as Second Assistant Secretary of Labor. He shall be appointed by the President and shall receive a salary of \$5,000 a year. He shall perform such duties as shall be prescribed by the Secretary of Labor, or required by law, and in case of the death, resignation, absence, or sickness of the Assistant Secretary shall, until a successor is appointed or such absence or sickness shall cease, perform the duties devolving upon the Assistant Secretary by reason of section 177, Revised Statutes, unless otherwise directed by the President, as provided by section 179, Revised Statutes.

Sec. 2. That there shall be in the Department of Labor one private secretary to the Second Assistant Secretary of Labor at a salary of \$2,100 a year.

Sec. 3. That there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$8,283.34, or so much thereof as may be necessary, to pay the salaries of the Second Assistant Secretary of Labor and the private secretary to the Second Assistant Secretary for the fiscal years 1922 and 1923.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### JOSÉ LOUZAU.

Mr. WATSON of Georgia. I ask unanimous consent for the present consideration of the bill (S. 2753) for the relief of José Louzau. The bill has been unanimously reported by the Committee on Claims after careful consideration. I can state to the Senate that the claim is entirely meritorious and ought to have been paid long ago.

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

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Claims with an amendment, in line 7, to strike out "\$11,481.60" and insert "\$5,000," so as to make the bill read:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, and there is hereby appropriated for

such payment, to José Louzau the sum of \$5,000 for personal injuries caused by being struck by a United States Army truck in San Juan, P. R., August 27, 1920.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### CROW RESERVATION, MONT.

Mr. MYERS. Mr. President, I ask the indulgence of the Senate for about two minutes.

House bill 9344, Order of Business 699, is a bill which has passed the House, and it is unanimously recommended by the Senate Committee on Indian Affairs. It is a bill which merely authorizes the Secretary of the Interior, in his discretion, to use certain funds of the Crow Indians, in Montana, for the purpose of purchasing additional water rights for the Indians, with which to cultivate their allotted lands. The Indians are short of water, they need it, and the Interior Department is anxious for the bill to pass. Summer is coming on, the irrigation season is at hand, and if this measure is to be of any benefit whatever to the Indians it ought to pass now.

Mr. SMOOT. What is the calendar number?

Mr. MYERS. It is Order of Business 699. It only puts the matter in the discretion of the Secretary of the Interior. It merely authorizes him, in his discretion, to take such action in this matter as he may see fit, within certain limitations and bounds. It is wholly discretionary, and fixes a certain maximum limit of price which the Secretary of the Interior may pay for the water.

I ask unanimous consent for the immediate consideration of the bill.

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

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 9344) providing for the appropriation of funds for acquiring additional water rights for Indians on the Crow Reservation, in Montana, whose lands are irrigable under the Two Leggins Irrigation Canal, which had been reported from the Committee on Indian Affairs with amendments.

The amendments were, on page 2, line 2, to strike out "\$12.50" and insert "\$20," and, in lines 2 and 3, to strike out "plus 6 per cent interest per annum on deferred payments," so as to make the bill read:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized to withdraw from the Treasury of the United States the sum of not to exceed \$24,000 of any tribal funds on deposit to the credit of the Crow Indians, in the State of Montana, and to expend the same, or so much thereof as may be necessary, for the acquiring of additional water rights for Indian allotments that are irrigable under the Two Leggins Canal, but which have no water rights: *Provided,* That the amount to be paid for the acquiring of such water rights shall be not to exceed \$20 per acre, and that said sum, or such part thereof as may be used for the purpose indicated, shall be reimbursed to the tribe under such rules and regulations as may be prescribed by the Secretary of the Interior.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

#### ALASKA FUR-SEAL SKINS.

Mr. ASHURST. Mr. President, I ask the attention of the chairman of the Committee on the Judiciary [Mr. NELSON] whilst I request unanimous consent for the immediate consideration of Senate Resolution 287, reported favorably from the Committee on the Judiciary.

Mr. SMOOT. What is the calendar number?

Mr. ASHURST. It is Order of Business 713, on page 19 of the calendar. I ask the attention of the chairman of the Judiciary Committee to this resolution, and ask unanimous consent for its present consideration.

Mr. McCUMBER. Mr. President, may I say at this time that while I have tried to accommodate Senators just as much as possible with these bills, I do not want this to become a general calendar day.

Mr. HITCHCOCK. Mr. President, is Senate Resolution 287 before the Senate now?

The PRESIDENT pro tempore. The Senator from Arizona has asked unanimous consent that the tariff bill be temporarily laid aside—

Mr. ASHURST. Mr. President, I beg the Chair's pardon, but I did not employ that language.

The PRESIDENT pro tempore. That is the only language that could be employed that would enable the Senate to reach this resolution.

Mr. ASHURST. Then, yielding to the Chair's suggestion, I ask unanimous consent that the tariff bill be temporarily laid aside.

The PRESIDENT pro tempore. Is there objection?

Mr. McCUMBER. I will not object now if it does not require any long debate, but I want to reserve the right to object later on.

The PRESIDENT pro tempore. If there is no objection, the Chair lays the resolution before the Senate.

The resolution was read, considered by unanimous consent, and agreed to, as follows:

*Resolved,* That the Secretary of Commerce be, and he is hereby, directed to furnish the Senate, for its information and use, a statement showing the total number of Government-owned Alaska fur-seal skins, as annually taken, and showing the total proceeds from said skins, as annually sold or disposed of under authority of act of August 24, 1912, up to April 5, 1922, inclusive; said statement to make a detailed showing of the time, place, and number of skins sold at each of said annual sales, with the classification of all the skins so offered and prices obtained for each grade at said sales.

*Resolved further,* That a complete record of the total annual payments made to the Governments of Great Britain and Japan since 1912, to January 1, 1922, inclusive, by the Secretary of Commerce, as provided for in said act of August 24, 1912, be furnished the Senate by him, together with copies of the Government contracts made with Funsten Bros. & Co. in 1915, and the Foulke Fur Co. in 1921, for dressing and dyeing fur-seal skins owned by the Government.

#### 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 PRESIDENT pro tempore. The Secretary will state the next amendment of the committee.

Mr. McCUMBER. Mr. President, I should like to go back this morning to paragraph 316, on page 59.

The ASSISTANT SECRETARY. On page 59, paragraph 316, round iron or steel wire, the first amendment—

Mr. McCUMBER. Taking the committee amendment on line 22, where we strike out "20" and insert "35," I move to strike out "35" and insert "25."

The PRESIDENT pro tempore. The Chair will state that there is already an amendment pending at that point, offered by the Senator from Arkansas [Mr. ROBINSON], to strike out "35" and insert "15."

Mr. McCUMBER. Very well.

The PRESIDENT pro tempore. The question is upon the amendment proposed by the Senator from Arkansas to the amendment of the committee.

Mr. ROBINSON obtained the floor.

Mr. CARAWAY. Mr. President, will the Senator from Arkansas yield to me?

Mr. ROBINSON. I yield to my colleague.

#### ATTORNEY GENERAL DAUGHERTY.

Mr. CARAWAY. Mr. President, here is a telegram which may interest Senators. It deals with a question which was called to the attention of the Attorney General on the 4th day of May, and is, Is the Attorney General undertaking to intimidate Members of both Houses by putting special agents to spy upon and shadow both Senators and House Members?

I shall make no complaint myself, Mr. President, if the Attorney General wants to spend the public money in that way. So far as I am individually concerned, I shall make no objection. I do want, however, to call attention to this:

On the 5th day of May of this year an open letter addressed to the Attorney General, and a copy of which was mailed to him, appeared in the CONGRESSIONAL RECORD. The letter bears date of May 4, 1922, and appears in the RECORD of May 5, 1922, on pages 6364 and 6365.

The Attorney General yesterday had reached the 2d day of May in his reading of the RECORD. According to his letter, though, he thought it was the 12th. To-day he will be on the 3d of May, and to-morrow he will reach the 4th, if he keeps reading the RECORD consecutively, one a day. We may hope then to have an answer to this letter that has been called to his personal attention, because it was mailed to him, and has been commented upon. It appears in the RECORD of the 5th of May and it has been published in all the leading newspapers. It is this, Mr. President:

When two Republican Members of Congress, two ex-service men, ROY O. WOODRUFF and ROYAL C. JOHNSON, made charges against the Attorney General on the 11th day of April, 1922, according to this letter, the Attorney General, instead of an-



swering them, put secret-service men to trail them. The letter is specific. After calling attention to the fact that the Attorney General's chief advisers in the prosecution of war-graft cases were men who sought and obtained exemption from military duty during the war, and one of them, at least, had said that the department had no intention of prosecuting war-fraud cases, the letter says this. I read from charge 9, on page 6365.

9. Is it not a fact that after Congressman JOHNSON and WOODRUFF addressed their colleagues in Congress on April 11, 1922, you immediately assigned agents Rescellar R. Gray (colored), James Connolly, H. F. Crawford, and A. C. Raynor, of the Bureau of Investigation, to shadow these Congressmen and myself; and is it not a fact that you brought various agents of the Bureau of Investigation from out of town to Washington and employed them for the same purpose?

10. Is it not a fact that you had two bags of mail belonging to Congressman ROY O. WOODRUFF shadowed, followed, and inspected? Is it not a fact that Agent H. F. Crawford, of the Bureau of Investigation, followed these bags of mail belonging to Congressman WOODRUFF to the post office in Washington and inspected their contents?

11. Is it not a fact that one of the highest-paid agents in the Bureau of Investigation is Rescellar R. Gray, a negro, who has been in your employ for a number of years as a valet and chauffeur for your family, and that this negro was ordered by you to trail these Congressmen and myself? I ask you to affirm or deny that the reports of these agents will show that they were in the House Office Building and that they mention the names of these Congressmen in connection with my own?

That is a specific charge, Mr. President, not only naming the Members of Congress whom the Attorney General was shadowing but naming the agents that he used to do it. That letter was written to him and mailed to him on the 4th day of May, 1922, and has been in his hands a long time. That letter appeared in all the leading newspapers. It appeared in the CONGRESSIONAL RECORD of May 5, 1922. It is specific and direct in its charge. It not only names the Members who were being shadowed but it names the agents who were being used for that purpose. I have talked to Congressman ROY O. WOODRUFF, a Republican, a man of high character. I asked him if he had positive proof that the Attorney General did this, and he says there is not a doubt about it, and it could be proved if the House would give them an investigation.

Yesterday WOODRUFF and JOHNSON tried again to get an investigation, and it by a Republican vote was denied. A witness came to my office, of whose character I know nothing except as I judge from the responsible position which the witness holds, and told me that an assistant of the Attorney General told her within a few weeks, in explaining another case, that the Attorney General had been shadowing both House and Senate Members, and with the certain knowledge that her position is at stake, she seems willing to testify to that fact. Whether it is true or not I do not know; but I am compelled to believe that one is not willing to throw away her right to work if the statement is not true.

Here is a telegram which came to me this morning from a highly intelligent gentleman in my own State, whom I know intimately and well, a personal friend of mine, a man who has held a responsible position, a man whose word, I take it, would be accepted anywhere, an intelligent man, very much above the average in intelligence. This is the telegram. It is dated Little Rock, May 26:

SENATOR CARAWAY, Washington:

Man here by name of Matthews representing Attorney General making extensive inquiry at this point, Hot Springs, and elsewhere, concerning you confidentially.

J. H. ANDERSON.

I would like to have the Attorney General tell the Congress just how much of the \$500,000 Congress gave him to investigate war fraud cases he is spending in "investigating" Members of both Houses of Congress. He ought not to object to doing that. It is a trust fund, given to him with a specific instruction, and I believe that the Congress has the right to know how much of it he is using trying to intimidate Representatives and Senators, not to protect the Government, but to protect Harry Daugherty himself. That he is doing it I do not take it any living man who has taken 10 minutes of his time to investigate the facts will question. I base that assertion upon the letter that was written him on the 4th day of May, in which not only the men he was shadowing but the agents he was using to shadow them are named. It was written to him by a man who knew what he was talking about, because he had been in the department and had gone out just a few days before because he was unwilling to cooperate with the Attorney General in his attempt to shield war grafters from prosecution.

He makes a charge, specific and definite. He says:

You shadowed ROY JOHNSON, of South Dakota, and ROY WOODRUFF, of Michigan. You had ROY WOODRUFF's mail searched, and these are the agents that you employed in your department to do it, and we ask you now to affirm or deny.

For 22 days that charge, definite, certain, and specific, has remained unanswered by the Attorney General. I now have this telegram, showing that investigators representing the Attorney General are in my own State trailing me, with the expectation of trying to silence me by threatening to hurt me. I do not care. The Attorney General is welcome to do it. I say, however, that the man who, instead of defending himself, is cowardly enough to sneak around and thus seek to intimidate others from telling the truth about him, is a mighty poor representative of this Government as the Attorney General and the head of its great Department of Justice. No man who has a true conception of what an American citizen is ever did it, and yet the Attorney General does that thing.

Mr. President, on yesterday the Attorney General, in order to shield himself, undertook to put the brand of Ananias on the brow of the Senator from Indiana [Mr. WATSON]. I do not know how far Senator WATSON will submit to it. I have no doubt on earth but what Senator WATSON told the God's truth, and the Attorney General knows it. Another Republican Senator on this floor told Senator WATSON of Georgia and myself, sitting out there in the lobby, shortly after that incident, that the Attorney General told him the same thing. Now, in order to shield himself from criticism, he may have induced the Senator from Indiana to say, "You may make whatever statement you please, and I will remain silent." I do not doubt that high office may have great attraction for some people, but, so help me God, before I would submit to such an infamy, I would surrender my commission and go back to the people who sent me here and make an honest living by some other means.

But, waving that aside, I want to show that unless the interview which the Attorney General himself gave out in 1912, and which was published in a paper in his own city, misrepresented him, the Attorney General did not tell the truth then. I shall read it. It is short, and will not take much of the time of the Senate. This is an interview given out to a paper published in Columbus, Ohio. This is what Mr. Daugherty said in this paper in 1912:

Mr. Daugherty convinced the President through the Attorney General—George W. Wickersham—that Mr. Morse has but a few months to live, and the President thereupon commuted the banker's sentence, so he could be released at once.

Here is what Mr. Daugherty said:

My interest in the case was not as an attorney to get Mr. Morse's freedom.

That is what Daugherty said.

My interest in the case was not as an attorney to get Mr. Morse's freedom but representing a number of certificate holders in a steamship company interested with Mr. Morse. Mr. Morse's attorneys in Atlanta are Anderson, Felder, Roundtree & Wilson, a firm with which our firm has had considerable business, and we became interested through them.

About \$2,000,000 is involved in having the affairs of these certificate holders straightened out satisfactorily, and unless they could get the advantage of Mr. Morse's aid—for he is a genius and a wizard—a lot of innocent people would suffer. His health was such that it was necessary to get him in a position to assist us as soon as possible. The President said a year ago when efforts were made to get a pardon for Morse that he would not consider the case again until January 1, 1913, but by that time Morse will be dead.

So I went to Washington and laid the facts before Secretary of War Stimson and before the Attorney General and Judge Hough, the trial judge. Mr. Wickersham was opposed to taking any action whatever the first time I saw him, but the facts were presented to him so completely that he took the matter up, had examinations made by Government physicians, and then laid the matter before the President. The President personally sent a Government physician to make an examination and report to him, then commuted the sentence.

Morse was sent to the penitentiary as the result of a bank war in New York City. There were three or four examinations of his bank, and all reported everything O. K., but still another man was sent to make another examination, and he made the report that caused the trouble.

Morse's violation of the law was entirely technical.

That was Daugherty's statement in 1912.

Mr. WATSON of Georgia. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Arkansas yield to the Senator from Georgia?

Mr. CARAWAY. I yield to the Senator.

Mr. WATSON of Georgia. Let me remind the Senator from Arkansas that the very first paragraph in Felder's letter about this thing states that Morse was to pay Daugherty a retainer of \$5,000.

Mr. CARAWAY. I have the letter right here and am going to read it.

Mr. WATSON of Georgia. I want to say that sometimes a lawyer of high standing will take the case of a man whom he knows to be all right, knows to be honest, without a retainer, but no lawyer whose services are really valuable will take the case of an accused person who is unknown to him without a retainer and a binding contract as to the ultimate payment of the remainder of the fee, and in Felder's letter he says that

Daugherty, in the New York office or in a New York hotel, during an interview between these three crooks—Morse, Felder, and Daugherty—denounced Morse in unmeasured terms because he had not paid the remainder of the fee.

Mr. CARAWAY. I think he had a right to do it.

Mr. WATSON of Georgia. I am simply reminding the Senator of the facts.

Mr. CARAWAY. I thank the Senator from Georgia. I read the interview in which Daugherty said, in 1912, that he did not represent Morse, except that Morse was a witness; that Morse's attorneys were Roundtree, Felder, and so on, in Atlanta.

I have here a photostatic copy of a letter, which letter is now admitted to be authentic, which was read into the RECORD the other day, bearing Daugherty's law firm's title and post-office address, dated April 30, 1913, which reads:

Mr. C. W. MORSE,  
New York City.

MY DEAR SIR: I inclose you herewith copy of the letter setting forth the contract you made of August 4, 1911, with Mr. Felder for his services and mine. You will observe that I was correct in the statement that there was a balance due of \$25,000 when you were commuted. I also hand you a copy of a paper you handed me in the prison some time after that time, and I have to-day asked Mrs. Daugherty to send to you by express the papers which I got from Harry and others from time to time which you spoke to me about.

As I advised you, I have telegraphed Mr. Felder and written him to meet me there with you next Monday or Tuesday. I will advise you as soon as I have a confirmation from him of this engagement.

Yours very truly,

H. M. DAUGHERTY.

Here is the contract, Mr. President, and I want to focus the attention of the Senate on this. Daugherty in 1912 said:

My interest in the case was not as an attorney to get Mr. Morse's freedom but representing a number of certificate holders in a steamship company interested with Mr. Morse. Mr. Morse's attorneys in Atlanta are Anderson, Felder, Roundtree & Wilson, a firm with which our firm has had considerable business, and we became interested through them.

He makes the positive, unequivocal declaration that his interest in the Morse case was not as an attorney to get him out of prison, but that he was representing other people. Here is the contract he made with Morse, and here is a letter written to C. W. Morse by Anderson, Felder, Roundtree & Wilson and signed by Felder, and that is the letter which Daugherty transmitted to Morse in 1913 to show that Morse was his client and that Morse owed him \$25,000:

In further relation to the employment of Hon. H. M. Daugherty and myself, permit me to say that we will undertake to represent you in your civil and criminal matters upon the following basis:

Not representing some stockholders, but "we will represent you, Charles W. Morse, in your criminal and in your civil matters on the following basis." Then it continues:

1. You are to pay Hon. H. M. Daugherty a retainer of \$5,000 and the actual expenses incurred by him in looking after your matters, expenses not to exceed \$1,000.

That was to be the retainer. Morse was to pay Daugherty that before he—Daugherty—moved, and I have Felder's letter here, saying that amount was paid, but Daugherty yesterday said Morse did not pay it.

2. I will pay such expenses as I may incur in connection therewith.

3. You are to direct counsel heretofore employed to withdraw your appeal in the habeas corpus proceedings heretofore instituted.

4. We are to receive, in the event we secure an unconditional pardon or commutation for you, the sum of \$25,000, which is to be in full compensation for services rendered in connection with your application for pardon.

Now, Daugherty says he did not represent him, and here is where he contracted for \$25,000 to do it. I continue reading:

5. We are to receive 25 per cent of whatever sums we may be able to recover by compromise or litigation in the matter of the Metropolitan Steamship Co., said transaction being fully described in your letter addressed to me dated August 2, 1911. If we find it necessary in the prosecution of these matters to have associated with us other counsel, we are to select such counsel, subject, of course, to your approval, and they are to be provided for out of our compensation.

Look at this significant language:

6. In all matters herein undertaken in your behalf we are to have full and absolute control, and you are to accept implicitly our counsel and advice.

No lawyer ever made a client sign a contract like that who had an honest lawsuit.

If the above and foregoing terms are satisfactory, you will signify your acceptance thereof in writing.

I remain, yours very truly,

THOMAS B. FELDER.

P. S.—You can terminate this contract at any time after January 1, 1912, by giving 10 days' notice in writing.

THOMAS B. FELDER.

I accept the above, this the 4th day of August, 1911.

C. W. MORSE.

Now, the Attorney General in 1912 said that he did not represent Morse in getting his pardon. Here is his contract in which he contracted for \$25,000, with an additional \$5,000 as a retainer

fee and \$1,000 expenses, contingently to get him out of the penitentiary either with a pardon or commutation of sentence. I do not care whether the Senator from Indiana [Mr. WATSON] told the truth or not, the Attorney General has got to square this question of veracity with Harry M. Daugherty in 1912, and this contract of Harry M. Daugherty made in August, 1911, and published the other day. Until he does it there is not a man who walks the earth but will know that one of those statements is not the truth, and Harry M. Daugherty made both of them.

That is not all, Mr. President.

Mr. WATSON of Georgia. Mr. President—

Mr. CARAWAY. I yield to the Senator from Georgia.

Mr. WATSON of Georgia. Yesterday there was in my office in the Senate Office Building a gentleman from Georgia, who has been mayor of his city, judge of one of the courts, and president of one of the most exclusive clubs in the country. He said that in Brunswick there is now living a retired physician, of independent means and high character, who knew all about the manner in which Daugherty and Felder and Morse worked this fraud on President Taft and that this retired doctor would be perfectly willing to give President Harding the benefit of his knowledge.

I contended yesterday and do now that fraud vitiates promissory notes, contracts, mortgages, deeds, last wills and testaments. By the force of logic it would also vitiate a pardon obtained by fraud. Such a thing would have no existence in law and could not be pleaded in any court of justice as evidence, because the judge would rule it out as having been vitiated by fraud. Therefore, President Harding could treat the pardon as null and void and send United States marshals to Maine and seize Morse, put him back in the penitentiary, and compel him to serve out his term of 16 years.

Mr. CARAWAY. Oh, Mr. President, Attorney General Wickersham, as shown by the letter of Felder in 1917, had this evidence—and I shall read it in the RECORD in a minute—that a fraud had been perpetrated on the Government in procuring the commutation of Morse's sentence, and the present Attorney General went with Felder to Mr. Wickersham and made an elaborate argument, saying that the President once having issued this commutation, it was final and could not be modified or revoked, and apparently wrung from him a promise that if he ever intended to revive it he would let them, Felder and Daugherty, know. Does anyone think the Attorney General in good faith, after having prevented another Attorney General who knew the whole facts from acting in this matter, would now say, "I have changed my relations and I am going to consent that justice be done."

Mr. WATSON of Georgia. Answering the question of the Senator from Arkansas, I will say about Wickersham, that I think he is as rotten as Felder and Daugherty. His record in regard to the friar lands in the Philippines proved it. He wrote out and back-dated the opinion in the Ballinger case, and they tried to bluff the thing over Congress and the country, as Daugherty and Felder and Morse are now trying to bluff the country on this matter, but finally the pressure became so strong that Ballinger had to resign.

Mr. CARAWAY. I am not familiar with that feature of it.

Mr. WATSON of Georgia. The Senator from Nebraska [Mr. NORRIS] is.

Mr. CARAWAY. The one thing I do know is that Felder's letter, which some way or other I have mislaid for the moment, calls attention to the fact that all these matters were brought to the notice of Attorney General Wickersham, and that he had knowledge of the fraud, and that Mr. Felder and Mr. Daugherty if not originally parties to the fraud became parties to it by at once coming to the defense of their client Morse. They argued and persuaded and induced, by whatever means I do not know, the Attorney General from taking action, although Felder in his letter said, "We were not unmindful of the fact of the damaging evidence the Department of Justice had," and then went into detail as to some of these things—that Morse was given a chemical or soapsuds each time before he was examined to make his kidneys bleed so that doctors would think he had Bright's disease when he did not. Felder, in his desire to write letters, set out the history of the fraud, and then said, oh, so naively, that "Daugherty and I did not have anything to do with it, and we were not even suspected, but we were afraid to sue our client when he would not pay us because we were afraid somebody would talk about it, and we had had about as much notoriety and publicity as we wanted, and we were also afraid if the public got hold of the fact that the fraud had been perpetrated the Attorney General then would set aside the commutation of sentence." Lord, oh, Lord, Felder in his desire to write letters writes it all.



In this letter which Attorney General Daugherty wrote yesterday there is something significant, aside from not being candid—and that is a polite way of saying what I know it contains. Here is what it says:

MY DEAR SENATOR:

It is addressed to Hon. JAMES E. WATSON. Of course, Daugherty took advantage of the fact that he knew WATSON was out of the city. I will read it all:

OFFICE OF THE ATTORNEY GENERAL,  
Washington, D. C., May 23, 1922.

HON. JAMES E. WATSON,  
United States Senate, Washington, D. C.

MY DEAR SENATOR: To-day for the first time I have had an opportunity to read the CONGRESSIONAL RECORD of May 12, page 6175, relative to the colloquy in the Senate regarding my connection with the Morse case. I have read newspaper comment on this discussion, but it was of a general character, and I thought it required no particular attention on my part.

I remember very well a general discussion we had some time ago regarding the Morse case. I certainly did not in that discussion make the statement to you that I had no connection with the Morse cases, civil and criminal. My connection with these cases was well known throughout the country, because of extended publicity some years ago. I never denied it, and I have no disposition to deny it now. Nothing was done by me or anybody else in connection with these cases that could not be known to the whole world without reflection upon anyone.

Morse was released upon the recommendation of Attorney General Wickersham, who based his recommendation upon the reports of eminent physicians of the Government, including the Surgeon General of the Army, and the records in the department show all the facts pertaining to the physical condition of Morse when he was released, which was the sole ground for Executive clemency.

As for compensation, I never received anything from Mr. Morse personally. All I ever received from anybody in connection with the Morse cases, both civil and criminal, was about \$4,000 advanced to me by Mr. Felder, and was about half enough to pay my necessary expenses and disbursements connected with over a year's active investigation, preparation, and service in the cases.

I regret, Senator, if you misunderstood me.

Sincerely yours,

H. M. DAUGHERTY,  
Attorney General.

There are two things in the letter, Mr. President. The first is that he had not had this matter called to his attention until yesterday. Ah, the papers were full of editorials demanding his resignation on the very ground of lack of veracity, as disclosed by the statements of the Senator from Indiana and the record of his contract with Morse. He had seen "only general discussion" of it in the newspapers. The newspapers carried the contract in full.

Now, Daugherty says there is nothing about his connection with that contract that anybody could not know, and it does not reflect on anybody. I appeal to every honest man—I will not say lawyers—when it is admitted, as it is in this case, that the Attorney General had evidence that Morse was doped to give him the appearance of Bright's disease when he did not have it, if he would say that there was not something connected with the case that everyone should not know and that it does not reflect upon him (Daugherty)! There is not an honest lawyer anywhere who would not have retired from the case if he found out that he was being imposed upon and being made to make a representation for his client that was not true, because whatever public opinion may be, lawyers are not hired to lie. An honest lawyer would not do it any more than honest preachers or honest doctors or honest farmers or anybody else that is honest.

Now, the Attorney General, with that shameful record of having perpetrated a fraud upon the Executive, Mr. Taft, who was his personal friend and political friend, and then went to the Attorney General, Mr. Wickersham, and induced him not to take action, says that there was nothing about that case that he would object to people knowing or that anybody could criticize.

That is not all. The Attorney General says he only got \$4,000, and he got that through Felder. He says, "That is all I got personally." He does not say who else got money. That was only half enough to pay his part of the expenses, he says. I want to ask the Attorney General this question: What use did you have, Mr. Attorney General, with \$8,000 for your part of a swag to get one man's sentence commuted, if he had an honest case for his commutation?

Mr. WATSON of Georgia. What were his expenses?

Mr. CARAWAY. I should like, as the Senator from Georgia suggests to me, for the Attorney General to give us now a bill of particulars, an itemized expense account. "What acts did you do, Mr. Attorney General, that took \$8,000 to present Morse's case and present all these things? Whom did you employ? What doctor did you get to issue a false certificate that you had to pay him any such exorbitant fee as that? You paid Fowler, Mr. Attorney General, by putting him back into the place from which he was kicked for being crooked in this deal; you have made him the doctor in charge of the Atlanta Penitentiary, and he is drawing the salary now. You paid him

in that way. To whom did you pay the \$8,000? In common decency, Mr. Attorney General, you can not tell the people that you spent \$8,000 legitimately to represent one man in getting his sentence commuted. You were not employed as a lawyer, as you said, to represent a client, because your counsel tells why you were hired, and I think his letter is authentic and admitted to be authentic. Even Felder, who wrote the letter, says it is the truth. It is dated Washington, D. C., October 12, 1917, and it is addressed to Hon. Leon O. Bailey, Hanover National Bank Building, New York, and reads:

MY DEAR SIR: I am in receipt of your favor of recent date advising me that Mr. Grafton Johnson had turned over to you for collection or adjustment \$25,000 of common and preferred stock in the Morse Securities Co., which I gave to him a year ago as collateral security for a loan which I obtained. You ask me to acquaint you with the facts of this transaction before you take the matter up with Mr. Morse and to tell you why interest upon these stocks has not been paid and why they were transferred to him.

He goes into that, Mr. President. I shall not relate it all, but I want to read a little of it:

To begin at the beginning—

That is Felder's language. He believes in beginning at the beginning and never ending—

To "begin at the beginning," permit me to say that after Charles W. Morse was sent to the penitentiary in Atlanta, Ga., under a 15-year sentence, and after his attorneys and family had exhausted every resource that they possessed or ingenuity could suggest, Hon. Fred L. Seely, the then editor and proprietor of the Atlanta Georgian, who had, as I understand it, a benevolent and charitable interest in the fate of Mr. Morse, and who had been for some years theretofore a client of mine, came to my office and stated to me that I had convinced him of my resourcefulness and my capacity to "do things."

And "do things" is in quotations. And "do things" is exactly what he always has done, according to his reputation—

and while the Morse situation seemed hopeless, because the President had refused on the best showing that could be made either commutation or pardon, yet he desired me to examine thoroughly the record, and if, in my judgment, anything could be done, he would cause me to be employed in the case—

Not "employ me," but they are letting on now like Seely was their client and that Seely employed them, but here is what Felder said then:

and if, in my judgment, anything could be done, he would cause me to be employed in the case—

Not "employ me," but "would cause me to be employed"—and would see that I was substantially compensated for services rendered in proportion to their value to Mr. Morse.

That is a contingent fee.

I read the record, studied the case thoroughly, got in touch—

Here is where Daugherty comes in—

with Mr. H. M. Daugherty, of Columbus, Ohio, who stood as close to the President as any other lawyer or citizen of the United States, interested him in the case, agreeing to divide with him any compensation that I might receive.

Why was he hired? Because he stood as close to the then President Taft as any lawyer or any citizen of these United States; not because he was a lawyer, not because he had any interest in some litigation, as Daugherty says in his interview in 1912, but because he had the confidence of the President of these United States. "I got in touch with him, and I agreed that whatever we got out of Morse I would divide with him; and here is the contract I made with Morse." The \$5,000 retainer and \$1,000 expense money were to be paid Mr. Daugherty to start with. I want to read it from the letter:

We took the matter up with the Attorney General and with the President, stating to them that the record disclosed that in refusing to extend Executive clemency reasons were given which were not borne out by the record, and we requested that the case be reopened. We were informed by the President and the Attorney General that the act of the President rendered the matter a "closed incident" for the present; but if we would bring the matter to their attention again just before the term of office of the President expired in March, 1913—

That is, after the next election—

the matter would be reopened and perhaps a different action taken in respect thereto.

They did not want to take it up on the eve of the primary in which Mr. Daugherty was acting as chairman, as I understand, of the committee in Ohio promoting Mr. Taft's candidacy for reelection. "You boys wait until we get beyond the election and come back and the President will talk to you."

This decision was communicated by Mr. H. M. Daugherty and myself to Mr. Morse who had agreed to pay—

Now, listen—

\$6,000 cash to cover expenses (this sum was paid).

Morse had not agreed to pay the \$6,000 cash; he had agreed to pay \$5,000 retainer fee to Harry M. Daugherty, and \$1,000 expense money to Harry M. Daugherty, making \$6,000.

This decision was communicated by Mr. H. M. Daugherty and myself to Mr. Morse who had agreed to pay \$6,000 cash to cover expenses (this sum was paid) and \$25,000, conditional upon our obtaining his release from the penitentiary. When this result was reported to Mr.

Morse, he stated to us in the presence of the penitentiary guard that if we would renew our efforts to obtain his release he would pay us, in addition to the amount agreed upon, the sum of \$100,000, and exclaimed, "Gentlemen, I will make you both rich if you will get me out of here."

At this consultative conference with Morse, I thought that I had discovered in him a very marked physical deterioration since the last conference I had with him, so after leaving the penitentiary I called upon Dr. A. L. Fowler—

He was there—

at his office in the Candler Building (this doctor having been the prison physician at the date of the inception of Morse in the penitentiary)—

I am not responsible for the language—

and asked him to inform me as to the state of Morse's health at the date of his inception in the penitentiary and thereafter during his incumbency as prison physician. Doctor Fowler referred to his reports and advised me that his initial examination disclosed casts in his urine which denoted incipient Bright's disease; that this disease was progressive; that the mental condition exercised a powerful influence over the physical and accelerated its ravages; and that he entertained no doubt that if Morse was left in the penitentiary for any considerable length of time that this disease would progress rapidly and result in his death.

Here is Felder with this "cue." What cue? The statement about Bright's disease.

With this cue, Mr. Daugherty and myself took up the matter de novo. We returned to Washington, discussed this phase of the case with the Attorney General and with the President. We received an intimation that if a physical examination of Morse by experts verified our suspicions that his continued incarceration would prove fatal, he would be released. A board of medical examiners was appointed at our request, an examination was made, and the three physicians reported that Morse's condition was not serious.

Then, as I understand from the Senator from Georgia, they got another board appointed that never saw him, and Doctor Fowler or somebody transmitted a specimen of his urine. Is that what the Senator from Georgia understands?

Mr. WATSON of Georgia. Or that of somebody else.

Mr. CARAWAY. Well, that of somebody else; which they said was his, and a board of physicians—I did not know it before—who never saw him, were appointed to pass upon the urine that was said to be Morse's, but doubtless belonged to some "nigger" down there in Georgia. They reported Morse was in bad shape, and when he was pardoned they never let a single man, woman, or child in Georgia see him, but they hastened him away in a closed carriage to the hotel, and then shipped him out on a special car, so that nobody could see him. They carried him to his home in New York, as I understand, and nobody, not even the reporters, were allowed to see him. From there they hustled him on board a ship, into a closed stateroom, and shipped him out of the country. He took a drink of water or something in Europe and came back and at once reopened his office and commenced to do business along the same old lines. But, God bless his soul, he is a good client; he followed instructions. They contracted with him that he must be reasonable; they said, "Whatever we tell you, you must do; if we want you to lie, you will lie." He did not hesitate, but kept it up until they wanted his money, and then he said to them, "A crook will lie to keep out of the penitentiary, and a crook is not expected to keep his word, and I will not pay you." Daugherty got mad, according to the letter, and denounced Morse in a hotel in New York for everything he could think of, berating him with every imaginable epithet that a man could apply to another, because he had not paid, and Felder said to Daugherty, "Do not let's get mad; money is better than anger." So they followed him up and got \$25,000 of bonds from Morse, but Felder says they turned out to be "soap-wrapper" bonds, and he could not collect on them. But he said they could not sue him because they found out that the then Attorney General had discovered the fraud that had been practiced in getting him out of the penitentiary, and if they sued him that this will come out, and besides, "Harry and I had got about all the notoriety out of this thing that we wanted." Therefore he would not sue him. Oh, Mr. President, the Attorney General said he did nothing in this matter that anybody could criticize. My God, Mr. President, if that is the idea of the Attorney General of what is professional ethics, God pity this country so long as he is Attorney General of these United States.

Mr. WATSON of Georgia. Mr. President—

Mr. CARAWAY. I yield to the Senator from Georgia.

Mr. WATSON of Georgia. Let me read into the RECORD, Mr. President, an additional paragraph from a letter from South Carolina, the writer of which is vouched for by the junior Senator from South Carolina [Mr. DIAL]. I have not had the opportunity of consulting the senior Senator from South Carolina [Mr. SMITH], but the writer refers to both Senators. I will not use his name, because he marks the letter "personal."

You will recall that Felder came to South Carolina and was employed to assist the attorney general of the State in the investigation of the dispensary graft scandal several years ago. I am one of the few

people in the State that realize that he by virtue of this employment protected the grafters, hoodwinked the attorney general, and got away with it.

Under the inspiration of his success he returned to Atlanta, sought and obtained employment to assist in the Frank prosecution, and by virtue of his position sought to frame up a defense for Frank, until he was caught and exposed by Dorsey and practically driven out of Georgia.

From my knowledge of Felder's methods and the incidental fact that he sought to employ Investigator Scaife in the fraud cases, I feel sure that the system of double-crossing, Felder's method of handling graft and other cases, is being employed in the graft cases.

As I said at the outset, a knowledge of Felder's methods, obtained by close study and observation, brings to me the firm conviction that there is being framed up a gigantic fraud to conceal fraud, and I wish you Godspeed in your efforts to prevent it.

Mr. CARAWAY. Mr. President, of course I do not think there is any use of offering any more testimony about who Felder is, and Felder is not important at all, except that he seems to be the partner of the present Attorney General. Felder and the Attorney General "framed up" Taft and got a commutation of sentence, and I do not think any man on earth, however partisan he may be, could offer a word of defense of that transaction. It is conclusive, it is inevitably conclusive, and nobody can follow the record and not know that they perpetrated a fraud, and the Attorney General never has denied it.

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

Mr. CARAWAY. Yes.

Mr. NORRIS. The Senator was reading, when he was interrupted, from a letter written by Felder.

Mr. CARAWAY. Yes; from a letter written in 1917.

Mr. NORRIS. To a banker in New York.

Mr. CARAWAY. No; to a lawyer who was going to sue Morse.

Mr. NORRIS. On account of some bonds.

Mr. CARAWAY. Yes.

Mr. NORRIS. Does Mr. Felder in the letter narrate the method that they used to bring about the apparent sickness of Mr. Morse?

Mr. CARAWAY. I will read it. I am skipping a good deal, because it is a long letter. Felder, you know, runs to words. He is the only man I ever knew who liked to employ a whole paragraph to state his own infamy. He says that when they were trying to collect, when they went up to New York to see Morse, Morse ran away and would not see them. After he came back they had much trouble in getting into communication with him, but finally made an appointment to see him, and he says:

On this occasion Mr. Daugherty complained very bitterly of our treatment by Morse, became very angry, and left the office before the negotiations were conducted. After he left Mr. Morse requested me to take the stocks up to the McAlpin Hotel, where we were stopping, and to urge Mr. Daugherty to take a different view of the matter; to either accept the stocks in payment of our \$25,000 demand or as collateral security to be redeemed by him at a very early date, stating that he would come by the McAlpin during the afternoon on his way home. I left his office about noon, went to the McAlpin, lunched with Mr. Daugherty, and explained the circumstances to him. He positively and emphatically declined to take the stocks, either in payment or as collateral security, although I urged him to do so, stating that I had confidence in Morse's integrity and faith in his purpose to make good his numerous promises.

About 4 o'clock that afternoon Mr. Morse and his son, Harry, appeared and came to my room; Mr. Daugherty came in. An animated discussion followed in which Mr. Daugherty denounced Morse in unmeasured terms, declining emphatically to accept the stocks tendered either as collateral or payment. In this humor he left the room, and after some further discussion with Mr. Morse he asked me to hold the stocks until he could make some other arrangement in respect to them. I told him that I could not use the stocks, but he left the room and left them on my dresser; and when I left the city that night for my home in Atlanta, Ga., I took the stocks along in my valise.

I am skipping in reading:

In conclusion, permit me to state that I have not been more aggressive in my efforts to force Morse to pay his obligations to us for the sole and simple reason that I have always felt apprehensive that if we brought suit or agitated the matter that immediate steps would be taken by the Department of Justice to secure an annulment of the Executive order and the return of Morse to the penitentiary. I have not been unmindful of the damaging evidence secured by the Department of Justice in the prosecution of its investigations to ascertain whether or not a fraud had been perpetrated upon the Government by Morse in his efforts to obtain his freedom; and while I knew that if a fraud had been perpetrated that Hon. H. M. Daugherty and myself were not only not connected therewith, but were not even suspected of being connected therewith, but that the disclosure and publicity would be disagreeable if not embarrassing to everybody concerned.

We were informed that the department was in possession of evidence going to show that after physicians were appointed to examine Morse and before they appeared on the scene that soapsuds or chemicals or something would be taken by him to produce hemorrhage of the kidneys, and that as soon as the examination was over that the patient would recuperate rapidly. As I have stated, we have not brought suit or instituted any proceedings in the matter because both Mr. Daugherty and myself felt that we had had all the notoriety and newspaper publicity that we should in reason have in connection with this transaction. As a matter of fact, during the years that have intervened I have had frequent intimations that this matter would be reopened, and I have always promptly taken steps to stop it. I have recently heard a well-authenticated rumor that steps are likely to be taken at any moment to have the matter investigated; that certain interests in New York were demanding that this be done.



Before that he said that he and Daugherty, when this matter arose, went to see Wickersham. Let me read that. It will take only a minute. He says:

A few days thereafter he went to New York, and instead of sending check for \$25,000, or any other amount, he sailed for Europe for an indefinite leave of absence. As soon as I read in the press that Morse had gone to Europe without making any reference to his obligation to us, I immediately communicated with his son, Harry Morse, who had apparently directed his father's affairs, requesting an explanation. I received a very prompt reply to my letter, stating that the condition of his father's health was such as to require his immediate departure for some mineral spring in Europe; that his condition was such as to preclude his transacting any business before his departure, but he knew his father would effect a settlement with us upon his return to the States. Immediately after Morse's departure for Europe there appeared in the press of the country numerous sensational articles to the effect that there was nothing the matter with Morse's health; that his release from the Federal penitentiary had been secured by fraud, and officials were urged to take immediate steps to have him remanded to the penitentiary.

An investigation was instituted, and Mr. Daugherty and myself, as Morse's counsel, were advised that steps would likely be taken to have Morse remanded to the penitentiary to serve the balance of his sentence. His son, Harry Morse, requested Mr. Daugherty and myself to meet him and his brothers in Washington for a conference. We met him and his brother, who then resided in Baltimore, at the Willard Hotel. We conferred at length in relation to the matter, and a decision was reached that we should get in touch immediately with the Department of Justice and forestall, if possible, any efforts to carry out the threat. We made an appointment with the Attorney General—

That was Wickersham—

discussed the matter with him at length. We took the position in this conference that an Executive order having been signed and promulgated commuting the sentence of the said Morse, that it was not within the power of the Executive to either change, modify, or revoke the same. That if said order had been obtained by fraudulent means and artful practices and the department desired to test this question, that it would be necessary to take Morse into custody and submit the question to a jury whose exclusive province it was to pass upon the issue of fact.

We were requested to submit a brief upon this subject. I returned to Atlanta and devoted several days to the preparation of an exhaustive brief upon the subject; returned to Washington and submitted the same to the Attorney General. In addition to this, while in Atlanta I obtained additional evidence going to show that Morse was, in fact, suffering with Bright's disease.

Mr. WATSON of Georgia. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Arkansas yield to the Senator from Georgia?

Mr. CARAWAY. I yield.

Mr. WATSON of Georgia. Can the Senator from Arkansas inform the Senate and the country how the four sons of Morse kept out of the Army during the World War, when so many millions of other boys went? Is Bright's disease a family epidemic among the Morses?

Mr. CARAWAY. No, sir; I do not know. I have no information on that subject.

Continuing:

In this last-mentioned conference with the Attorney General he indicated that no immediate steps would be taken, and that if later any action looking to Morse's return to the penitentiary was taken that we would be duly advised. We have never been reimbursed for the expenses incurred in connection with the services rendered as above set forth, and no effort of any kind or character has been made to compensate us for these, although we were assured by the Morse brothers at the Willard Hotel that these expenses and a reasonable fee would be promptly forthcoming.

You know, Mr. President, he sets out the whole conspiracy. He tells what they did. He not only tells what they did but, after it was discovered, he tells the steps they took to prevent the President from righting a wrong.

Let me say this in conclusion, Mr. President:

The present Attorney General, Harry M. Daugherty, has possessed the confidence of two Executives of this land. He possessed the confidence of President Taft.

This letter shows that he sold him out. He betrayed him for \$25,000, and engaged in a conspiracy to make Mr. Taft do a thing that Mr. Taft would not have done if he had known the facts; and Taft set down in his article in 1914 that this case shook his confidence in expert opinion, and also he might have said in professional friends.

The Attorney General possesses the confidence of one other Chief Executive, the present President of these United States; and if the statements can be believed that are made by Members of Congress of his own party, he has betrayed this administration just as he betrayed the administration of President Taft.

I do not know what the present President will do. The conduct of the Attorney General may meet his approval. I shall be somewhat surprised if it does. At least he might remember that President Taft, who followed Daugherty, in the subsequent election received eight electoral votes. He got Vermont and he got Utah. I shall be much mistaken, Mr. President, if the present President, if he does not eliminate from his Cabinet the present Attorney General, in the coming election will get any more than Utah.

Mr. McCUMBER. Mr. President, there is no Harry Daugherty amendment proposed to paragraph 316.

Mr. CARAWAY. No; he is on the free list.

Mr. McCUMBER. There is no Attorney General amendment to paragraph 316; but, Mr. President, having spent an hour and forty minutes this morning without ever touching the tariff bill, I think it is quite proper for me to say to the Senator from Arkansas and to other Senators that while there is no rule at present which will enable the Senate to proceed in an orderly way to the business before it, at least I might suggest that if Senators feel that it is necessary to do any kind of laundry work in the Senate we ought to follow the ancient and honorable custom of making Monday the wash day, and, Mr. President, like our forefathers, we should approach with a contrite and patient heart Blue Monday.

Mr. WATSON of Georgia. Mr. President—

Mr. McCUMBER. Just a minute. But, Mr. President, we have to-day only this question presented by the senior Senator from Arkansas [Mr. ROBINSON], as to whether we should so amend paragraph 316 as to reduce the rate to that of the Underwood tariff; and I hope that we may hold straight to that one proposition until we dispose of it.

I yield to the Senator from Georgia.

Mr. WATSON of Georgia. Mr. President, if it be true, as is contended by the Senator from Arkansas [Mr. CARAWAY], that the Department of Justice is being systematically used by corruptionists to cloak the frauds of those who robbed the Government while our soldiers were at the front shedding their blood under the flag, is not that quite as important as any item in this tariff bill?

Mr. McCUMBER. Well, Mr. President, one can easily see into what this controversy is developing. I know nothing about the case as between Mr. Daugherty and Mr. Felder and Mr. Morse. I know absolutely nothing about it except as I am compelled to listen day after day to what is being presented. Mr. Daugherty is not here to defend himself, and in that controversy between themselves there are courts and there are other places where they can be heard. Inasmuch as they could have no hearing here where all sides could open up their case, it seems to me, at least at the present time, that we ought to hold to our tariff bill and discuss the real question at issue; and, being in charge of this bill, I am going to do all I can to invite—aye, to plead with Senators that we consider this bill and, if it is necessary, to take some day off to consider all that we may say upon other questions; that we fix a day for that purpose rather than to take up by piecemeal day after day an hour or two hours upon this question. The Senator sees that there are no Senators present except the few who gather around the Senator to listen to that subject, because it is not pertinent to the question under discussion. Now let us return to the tariff bill and to the amendment offered by the Senator from Arkansas.

#### POST OFFICE DEPARTMENT APPROPRIATIONS.

The PRESIDENT pro tempore laid before the Senate the action of the House of Representatives on certain amendments of the Senate to House bill 9859, the Post Office Department appropriation bill, which was read as follows:

IN THE HOUSE OF REPRESENTATIVES, UNITED STATES,  
May 13, 1922.

*Resolved*, That the House recede from its disagreement to the amendments of the Senate numbered 40, 54, 55, and 59 to the bill (H. R. 9859) entitled "An act making appropriations for the Post Office Department for the fiscal year ending June 30, 1923, and for other purposes," and concur therein;

That the House recede from its disagreement to the amendment of the Senate numbered 32, and concur therein with an amendment, as follows: In lieu of the matter proposed by said amendment insert: "Provided, That the Postmaster General may use not exceeding \$10,000 of this appropriation for adjusting claims arising under section 1 of the act entitled 'An act making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1886, and for other purposes,' approved March 3, 1885: And provided further, That that part of the act approved March 3, 1885 (23 Stat. L., p. 386), which provides that a lease for premises for use as a post office shall cease and terminate whenever a post office can be moved into a Government building, is hereby repealed."

That the House recede from its disagreement to the amendment of the Senate numbered 58, and concur therein with an amendment, as follows: In lieu of the matter proposed by said amendment insert:

"Sec. 4. That for the purpose of carrying out the provisions of the act entitled 'An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes,' approved June 11, 1916, and all acts amendatory thereof and supplementary thereto, there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the following additional sums, all such sums to be expended in accordance with the provisions of such act:

"The sum of \$65,000,000 for the fiscal year ending June 30, 1923.

"The sum of \$75,000,000 for the fiscal year ending June 30, 1924.

"PAR. 2. For the purpose of carrying out the provisions of section 23 of the Federal highway act, approved November 9, 1921, there is hereby authorized to be appropriated for forest roads and trails, out of any

money in the Treasury not otherwise appropriated, the following additional sum, to be available until expended, in accordance with the provisions of said section 23: The sum of \$6,500,000 for the fiscal year ending June 30, 1924.

"PAR. 3. For the purposes of this section and of the acts heretofore making appropriations to aid the States in the construction of rural post roads the term 'bridges' includes railroad grade separations, whether by means of overhead or underpass crossings.

"PAR. 4. If any State, for a period of one year from the date the Secretary of Agriculture approves, or has heretofore approved, a road project, shall fail to put under contract such road project, the Secretary of Agriculture may require the said State to submit one or more projects to replace the said project; and if the said State shall fail to submit such other projects within the time set by the Secretary of Agriculture for the State to act, the Secretary of Agriculture may order the sum of money allotted to the said road project returned to the general road fund, and he shall then reappropriate said sum of money among all the States as provided by the Federal highway act and all amendments thereto.

"PAR. 5. Section 5 of the act entitled 'An act to provide appropriations for the Post Office Department, and for other purposes,' approved February 28, 1919, is hereby amended to read as follows: 'That the act entitled "An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes," approved June 11, 1916, is hereby amended to provide that the term "rural post road," as used in section 2 of said act, shall be construed to mean any public road, a major portion of which is now used, or can be used, or forms a connecting link not to exceed 10 miles in length of any road or roads now or hereafter used for the transportation of United States mails, excluding every street and road in a place having a population, as shown by the latest available Federal census, of 2,500 or more, except that portion of any such street or road along which the houses average more than 200 feet apart: *Provided*, That section 6 of said act be further amended so that payments which the Secretary of Agriculture shall make, from sums appropriated under the provisions of this act or any act amendatory thereof or supplemental thereto for the fiscal year ending June 30, 1923, shall not exceed \$12,500 per mile, exclusive of the cost of bridges, of more than 20 feet of clear span: *Provided further*, That the payments which the Secretary shall make from sums appropriated under the provisions of this act or any act amendatory thereof or supplemental thereto, after the fiscal year ending June 30, 1923, shall not exceed \$10,000 per mile, exclusive of the cost of bridges, of more than 20 feet of clear span: *Provided further*, That the limitation of payments herein provided shall apply to the public land States, except that the same is hereby increased in proportion to the increased percentage of Federal aid authorized by section 11 of the act entitled "An act to amend the act entitled 'An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes,'" approved November 9, 1921.'

"PAR. 6. Section 24 of the act entitled 'An act to amend the act entitled "An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes," approved November 9, 1921, is amended to read as follows: "That in any State where the existing constitution or laws will not permit the State to provide revenues for the construction, reconstruction, or maintenance of highways, the Secretary of Agriculture shall continue to approve projects for said State until five years after November 9, 1921, if he shall find that said State has complied with the provisions of this act in so far as its existing constitution and laws will permit."

"PAR. 7. If any officer, agent, or employee of the United States, or any officer, agent, or employee of any State or Territory, or any person, association, firm, or corporation or any officer or agent of any person, association, firm, or corporation shall knowingly make any false statement, false representation, or false report as to the character, quality, quantity, or cost of the materials used or to be used, or the quantity or quality of the work performed or to be performed, or the costs thereof in connection with the submission of plans, maps, specifications, contracts, or costs of construction of any project submitted for approval to the Secretary of Agriculture under the provisions of the Federal highway act, or shall knowingly make any false statement, false representation, or false report or claim for work or materials for the construction of any project approved by the Secretary of Agriculture under said Federal highway act and all amendments thereto, or shall knowingly make any false statement or false representation in any report required to be made under said Federal highway act or acts supplementary thereto with the intent to defraud the United States shall, upon conviction thereof, be punished by imprisonment not to exceed five years or by a fine not to exceed \$10,000, or by both fine and imprisonment within said limits.

"PAR. 8. That if any provision of this section, or the application thereof to any person or circumstances, shall be held invalid, the validity of the remainder of the section and the application of such provision to other persons or circumstances shall not be affected thereby.

"PAR. 9. That all acts or parts of acts in any way inconsistent with the provisions of this section are hereby repealed."

That the House recede from its disagreement to the amendment of the Senate numbered 60, and concur therein with an amendment as follows: In line 1 of said amendment, strike out "8" and insert "6."

That the House recede from its disagreement to the amendment of the Senate numbered 61, and concur therein with an amendment as follows: Strike out "9" and insert "7."

That the House insist upon its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 17, and 52, and agree to the further conference requested by the Senate on the disagreed votes of the two Houses thereon.

*Ordered*, That Mr. SLEMP, Mr. MADDEN, and Mr. Sisson be the managers of the conference on the part of the House.

Mr. TOWNSEND. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the action of the House.

The PRESIDENT pro tempore. Without objection, it is before the Senate for action.

Mr. TOWNSEND. The first three amendments mentioned do not make any material changes in the Senate provisions. No. 32 is simply a rewording of the proposition relative to leases, to carry out the clear intent of the Senate and the House. Nos. 60 and 61 are simply renumbering sections. I move that the Senate concur in these House amendments.

The motion was agreed to.

Mr. TOWNSEND. Amendment No. 58 makes a change in the road program. The House substituted its bill for the Senate provision. I move that the Senate insist upon its disagreement to the road proposition and ask for a further conference.

Mr. McCUMBER. Mr. President, if there is no objection and there will be no debate on the subject, I certainly do not want to interpose an objection myself, but it looks to me, with several Senators on their feet, as though there is likely to be some debate upon the matter.

Mr. TOWNSEND. I do not think there will be.

Mr. ROBINSON. I wish to ask the Senator from Michigan if I correctly understood his statement. The Senator is not asking the Senate to recede on what may be termed material amendments?

Mr. TOWNSEND. We are not. The amendments we have agreed to are amendments that had to go back to the House and the House made some verbal changes in three of them. The one great amendment now in dispute between the two Houses is the road legislation. There is a material difference on that, and I want the Senate to insist upon its amendment, in order that we may consider it further.

Mr. ROBINSON. I make no objection.

Mr. HEFLIN. I understand that the Senator from Nevada [Mr. PITTMAN] is interested in the proposed road legislation and wants to be in the Chamber when the matter is considered.

Mr. TOWNSEND. If I understand correctly, Mr. President, the Senator from Nevada is insisting as strongly as we are against the House amendment to Senate amendment No. 58. His State has petitioned me, through its highway commissioners, and in the discussion we had on the floor the other day it was clear that the Senator from Nevada is in agreement with the Senate provision rather than with the House provision.

Mr. HEFLIN. Will not the Senator state briefly what difference there is between the House provision and that of the Senate?

Mr. TOWNSEND. The Senate, as the Senator will recall, provided for an appropriation of \$50,000,000 for the coming fiscal year and an authorization of \$65,000,000 for the next year and \$75,000,000 for the following year, under existing law. The House bill, known as the Dunn bill, makes an amendment to the existing law, which is the principal objection to it, as we look at it. It provides that there shall be a limitation on the expenditure per mile, on the system of roads as it may be made up, of \$12,500 for the coming fiscal year and \$10,000 for the next year. It makes no appropriation; it simply authorizes \$65,000,000 for the coming fiscal year and \$75,000,000 for the next.

The difference between the two Houses now is on the question as to whether we shall carry an appropriation this year, as provided by the Senate, and whether we shall maintain the same ratio as to the expenditure of the money per mile as in existing law.

Mr. ROBINSON. If the Senator from North Dakota will permit me, from the statement of the Senator from Michigan I think the course he has suggested is calculated to carry out the will of the Senate as heretofore expressed, and for that reason I again say I have no objection to the present consideration of the report.

Mr. TOWNSEND. I have heard no objection from any Senator. In fact, I have had requests from Senators that we do insist on the action of the Senate.

Mr. ROBINSON. In view of the fact that I am informed that the Senator from Nevada is on his way to the Senate, I suggest that we let the matter go over for awhile and proceed with the tariff bill.

Mr. TOWNSEND. I am very anxious to get it into conference.

Mr. HEFLIN. I understand the Senator from Nevada will be here in a moment.

Mr. ROBINSON. The Senator from Michigan can call it up at a later hour in the day.

Mr. HEFLIN. I see the Senator from Nevada entering the Chamber now.

Mr. ROBINSON. I withdraw my objection, the Senator from Nevada having arrived in the Chamber.

Mr. PITTMAN. Mr. President, I simply wish to know from the chairman of the committee what action the conferees took in regard to the appropriation for roads.

Mr. TOWNSEND. I have just explained that the Senate conferees insisted upon the Senate provision appropriating \$50,000,000 for the coming fiscal year, and authorizing \$65,000,000 and \$75,000,000 for the succeeding two years, under existing law. The House conferees could not agree to it. They took it back to the House, and the House moved to concur in the Senate



amendment with an amendment. Their amendment substituted the Dunn bill, which limits the appropriation to \$12,500 per mile for the coming year, and \$10,000 for the next year, and makes no appropriation for the coming fiscal year. We insisted that we were right, and I am asking the Senate now to insist upon the disagreement and ask for a further conference.

Mr. PITTMAN. As I understand the Senator from Michigan, the managers on behalf of the Senate do not desire to agree to the amendment put on by the House adding the limitations of the Dunn bill?

Mr. TOWNSEND. We do not.

Mr. PITTMAN. And they are asking the Senate to disagree to that. I am in thorough accord with the chairman. I certainly hope that will be the action of the Senate, because if we should adopt the Dunn provision it would mean an absolute cessation of cooperation by the States in building the roads and would practically mean the death of the Federal good roads law.

The PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from Michigan that the Senate insist on its amendment numbered 58, and request a further conference with the House on the disagreeing votes of the two Houses, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the President pro tempore appointed Mr. TOWNSEND, Mr. STERLING, Mr. MOSES, Mr. WALSH of Massachusetts, and Mr. BROUSSARD conferees on the part of the Senate at the further conference.

#### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. Overhue, its enrolling clerk, announced that the House disagreed to the amendments of the Senate to the 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; requested a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. MCKENZIE, Mr. KRAUS, and Mr. BYRNES of South Carolina were appointed managers on the part of the House at the conference.

#### READJUSTMENT OF ARMY AND NAVY PAY.

Mr. WADSWORTH. I ask the Chair to lay before the Senate the action of the House of Representatives on House bill 10972.

The PRESIDING OFFICER (Mr. JONES of Washington in the chair) laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the 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, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. WADSWORTH. I make the usual motion, insisting on the Senate amendments and granting the request of the House for a conference, and that the Chair appoint the conferees on the part of the Senate.

The PRESIDING OFFICER. The Senator from New York moves that the Senate insist on its amendments, accede to the request of the House for a conference, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. WADSWORTH, Mr. NEWBERRY, and Mr. FLETCHER conferees on the part of the Senate.

#### 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.

Mr. ROBINSON obtained the floor.

Mr. McCUMBER. Will the Senator from Arkansas allow me to take up his proposed amendment for just a moment?

Mr. ROBINSON. Very well.

Mr. McCUMBER. I call attention to the fact that the committee, while they do not agree with the view of the Senator that the 35 per cent ad valorem should be reduced to 15 per cent ad valorem, on line 22, do suggest an amendment to the committee amendment to strike out "35" and insert in lieu thereof "25." They will also ask the same reduction on the next page, in line 5, and also on line 15, and equivalent changes in the other amendments to that paragraph. I desire to call the attention of the Senate, and especially that of the Senator from Arkansas, to the fact that the Payne-Aldrich rate is 40 per cent ad valorem and the Underwood rate 15 per cent, and if this paragraph 316 is amended as suggested

by the committee, we will give a duty of 25 per cent ad valorem.

Mr. CARAWAY. Will the Senator yield to me?

Mr. ROBINSON. I yield to my colleague.

Mr. CARAWAY. Mr. President, a moment ago, in that convincing tone of voice which the Senator from North Dakota alone possesses, he read me a lecture and assured me that the Senate was not interested in whether the Attorney General was a gentleman or a scoundrel; at least he was not, and that therefore he wanted to go on with the tariff bill.

He kindly referred to the fact that there were no Senators present. I should like to say to the Senator from North Dakota that no great crowd rushed in when he commenced to speak. There is one Republican Senator on the other side now—I do not want the Senator from North Carolina to be counted as on the side of the Senator from North Dakota—so that if the question as to what the Senate is interested in is to be tested by the number who come to hear, there were at least 12 or 15 on the other side, and there is only 1 on the side of the Senator from North Dakota now, and he came in without knowing that the Senator was going to speak.

Of course, it is nothing to me if the Senator thinks that his administration should be honeycombed with corruption, if he approves it, if he wants to protect the Attorney General and say "We do not care what you do, Mr. Attorney General."

We do not have any interest in that. Go ahead and be a rascal if you want to. It meets with the approval of the Senator from North Dakota. All we want to do is to fasten upon this country a tariff bill that will make every man, woman, and child contribute to the coffers of the trusts which finance our campaigns. If they can do that, Mr. President, time is not wasted, according to the idea of the Senator from North Dakota, but if anything interferes with putting over this tariff bill, the Senator from North Dakota reads us a very emphatic lecture.

I have not taken half as much time in the year I have been in the Senate in discussing Daugherty and all other questions as the Senator from North Dakota took in leading us right up to the passing of a bonus bill and then backing off from it and explaining why they did not pass it.

I have not taken half as much time as the Senator from North Dakota has taken in talking about the necessity of fastening this infamous tariff bill upon the necks of the toiling masses of America. I do not intend to do it. It is not necessary to do it.

Mr. WATSON of Georgia. Mr. President, will the Senator yield to me?

Mr. CARAWAY. My colleague has the floor.

The PRESIDENT pro tempore. Does the senior Senator from Arkansas claim that he has the floor?

Mr. ROBINSON. I understood that I was recognized. I yielded to my colleague.

The PRESIDENT pro tempore. The Chair desires to say that he does not recognize any rule of the Senate by which a Senator can yield to another Senator for the purpose of making a speech.

Mr. CARAWAY. Mr. President, that there may be no chance to reply, I am perfectly willing for the Senator who occupies the chair to invoke any rule he wants to, and I will yield the floor.

Mr. ROBINSON. Mr. President, with reference to the action of the Chair in denying to me the privilege of yielding to my colleague when he requested me to do so, I desire to say that throughout the long period of service of the present occupant of the chair, the long service of the Senator from North Carolina [Mr. OVERMAN], who is a member of the Committee on Rules, and the brief period of my own service, the custom has existed in the Senate of permitting a Senator having the floor to yield to others. Technically, if any Senator objects, the Senator having the floor can only yield for questions, but unless notice is given that objection will be made the practice of the Senate has been not to deprive a Senator of the floor who yields to another desirous of making a statement.

The RECORD discloses many instances daily where Senators have yielded to others to make prolonged statements.

That occurred yesterday while the present occupant of the chair was making a speech upon the general question of the tariff in no wise related to the paragraph immediately under consideration. He was interrupted by a number of Senators with his consent, among the Senators interrupting him, as I know he will recall, being the present occupant of the floor.

During the course of the debate, as the occupant of the chair must know, whatever remarks I have submitted have been directed to the measure under consideration and usually to the

paragraph immediately pending. Senators on the other side of the Chamber and on this side alike have interrupted other Senators who were speaking to make statements not directly related to the question pending.

The statement of my colleague was provoked, invited, by a discussion on the part of my friend the Senator from North Dakota [Mr. McCUMBER] entirely irrelevant to the question immediately under consideration. If the Senator from North Dakota has that right and chooses to exercise it when he pleases, it will become the occupant of the chair, in my opinion, voluntarily to restrict the right of other Senators to yield when requested to do so by their colleagues. With that statement, which I know the present occupant of the chair knows is entirely consistent with the history of proceedings in the Senate, I shall revert to my usual custom and confine my remarks from now on to the question immediately under consideration.

The pending paragraph 315 is one of the most important in the tariff bill. It relates to a diversity of interests and many commodities. It covers all forms of importations of wire, the ordinary steel and iron wire, which are converted into wire nails, into barbed wire, and into wire rope. It does not seem necessary for me to point out to the Senate the importance of these commodities and their common use. The paragraph not only embraces iron and steel wire, but copper, bronze, and brass wires, which are also of very extended use. It includes aluminum wire and wires which are used in the manufacture of wire cloth, telegraph, telephone, and other wires and cables, including insulated wire and cables, submarine, underground, and of whatever description. The paragraph embraces wire rope. It embraces wire heddles and healds, and many other articles of constant and almost daily use.

The production statistics show the value of the output of 117 establishments in the United States for the manufacture of wire during the year 1919, amounting in the aggregate to \$409,000,000 and more. Of this total amount more than \$401,000,000 represent wire and manufactures of wire. The value of the output of steel and iron wire and manufactures thereof was approximately \$265,000,000, of copper wire and its manufactures approximately \$114,270,000. The output of brass wire was something more than \$16,000,000.

The total production of steel and iron in 1919 was more than 2,500,000 short tons, which was a slight increase—about 3 per cent—over that of 1914. The production of coated wire in 1919, including galvanized wire, was nearly 400,000 tons, as compared with approximately 375,000 tons in 1914.

The country's output of bare copper wire in 1919 was 193,370 tons. The total production of insulated wire and cable for the same year was valued at \$129,623,100, of which the major portion was reported by insulating establishments which purchased the wire. The output of brass wire was reported in 1919 as 50,000,000 pounds; that of other metals amounted to 14,500,900 pounds, valued at nearly \$6,500,000.

The imports of various kinds of wire are reported in separate tables in the Summary of Tariff Information, at pages 48 to 410, inclusive. I will ask leave to print those tables in the Record in connection with the remarks which I am submitting.

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

The tables referred to are as follows:

Imports: Imports of wire and wire manufactures included in this paragraph have been, since 1917, as follows:

Imports of wire and wire manufactures.

ROUND IRON OR STEEL WIRE.

Calendar year.	Quantity.	Value.	Duty.	Ad valorem rate.
	<i>Pounds.</i>			<i>Per cent.</i>
1918.....	58,787	\$35,198	\$5,280	15
1919.....	927,744	88,817	13,323	15
1920.....	5,326,136	479,558	71,934	15
1921 (9 months).....	3,361,389	385,902		

WIRE, N. S. P. F.

1918.....		\$31,654	\$4,748	15
1919.....		1,586	238	15
1920.....		15,857	2,379	15
1921 (9 months).....		21,972		

MANUFACTURES OF BRASS WIRE.

1918.....		\$9,427	\$1,414	15
1919.....		12,676	1,901	15
1920.....		6,308	946	15
1921 (9 months).....		9,259		

Imports of wire and wire manufactures—Continued.

BRONZE WIRE.

Calendar year.	Quantity.	Value.	Duty.	Ad valorem rate.
	<i>Pounds.</i>			<i>Per cent.</i>
1920.....	404	\$595	\$89	15
1921 (9 months).....	2,228	1,422		

MANUFACTURES OF BRONZE WIRE.

1918.....		\$5,977	\$897	15
1919.....		33,094	4,964	15
1920.....		40,408	6,061	15
1921 (9 months).....		19,184		

COPPER WIRE.

1918.....		\$3,559	\$534	15
1919.....	77,774	27,088	4,063	15
1920.....	208,844	50,640	7,393	15
1921 (9 months).....	6,395	4,681		

WIRE AND MANUFACTURES OF, N. S. P. F.

1918.....		\$28,219	\$4,233	15
1919.....		22,381	3,357	15
1920.....		22,356	3,353	15
1921 (9 months).....		36,513		

ALUMINUM WIRE.

1918.....		\$624	\$94	15
1921 (9 months).....	8	4		

MANUFACTURES OF ALUMINUM WIRE.

1920.....		\$337	\$51	15
1921 (9 months).....		1,065		

BRASS WIRE.

1918.....		\$3,087	\$468	15
1919.....	102	32	5	15
1920.....	4,010	2,283	342	15
1921 (9 months).....	4,432	1,848		

MANUFACTURES OF COPPER WIRE.

1918.....		\$16,447	\$2,437	15
1919.....		14,935	2,243	15
1920.....		17,071	2,561	15
1921 (9 months).....		34,634		

WIRE OF IRON OR STEEL OR OTHER METAL COATED BY DIPPING, GALVANIZING, ETC.

1918.....		\$4,351	\$653	15
1919.....	29,001	3,817	573	15
1920.....	483,523	60,932	9,140	15
1921 (9 months).....	14,642	4,808		

TELEGRAPH, TELEPHONE, AND OTHER WIRES AND CABLES.

1918.....		\$17,934	\$2,695	15
1919.....	174,951	44,955	6,743	15
1920.....	327,199	59,074	8,861	15
1921 (9 months).....	830,085	138,504		

WIRE OF IRON OR STEEL COVERED WITH COTTON, SILK, OR OTHER MATERIAL.

1918.....		\$22,815	\$3,422	15
1919.....	5,767	5,489	822	15
1920.....	58,573	18,087	2,713	15
1921 (9 months).....	39,433	31,571		

WIRE ROPE.

1918.....	49,996	86,740	\$2,022	30
1919.....	103,932	18,577	5,573	30
1920.....	1,024,221	189,795	56,038	30
1921 (9 months).....	47,432	6,597		

ALL OTHER WIRE, N. S. P. F.

1918.....		\$55,418	\$8,313	15
1919.....	766,689	63,224	9,484	15
1920.....	2,398,923	208,029	30,454	15
1921 (9 months).....	1,282,353	171,909		



*Imports of wire and wire manufactures—Continued.*  
ALL OTHER MANUFACTURES OF WIRE, N. S. P. F.

Calendar year.	Quantity.	Value.	Duty.	Ad valorem rate.
	<i>Pounds.</i>			<i>Per cent.</i>
1918.....		\$116,016	\$17,402	15
1919.....	218,767	161,475	24,221	15
1920.....	395,138	277,648	41,647	15
1921 (9 months).....	360,501	208,085		

WIRE HEDDLES AND HEADLS.

	<i>Thousands.</i>			
1918.....	8,597	\$14,661	\$3,665	25
1919.....	34,965	72,313	18,078	25
	<i>Pounds.</i>			
1920.....	78,701	113,184	28,296	25
1921 (9 months).....	68,486	102,660		

Mr. ROBINSON. The same request is submitted respecting exports. I ask that the table on page 410 showing exports of copper wire, brass wire, wire rope, insulated wire and cables, and wire not specially provided for, and other manufactures of wire not specially provided for, be incorporated in the Record, showing the relation between imports and exports of the commodities of daily and common use.

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

The table referred to is as follows:

Exports.	1918	1919	1920	1921 (9 months).
Copper wire:				
Quantity.....pounds..	15,689,554	55,551,602	41,812,713	10,146,666
Value.....	\$4,750,942	\$14,810,357	\$10,191,273	\$1,973,754
Brass wire:				
Quantity.....pounds..	1,748,883	1,115,908	1,159,087	388,874
Value.....	\$707,287	\$403,899	\$398,328	\$132,119
Wire rope.....	\$4,225,019	\$4,379,478	\$2,148,294	\$1,203,047
Insulated wire and cables.....	\$5,604,929	\$8,815,212	\$8,208,539	\$7,621,996
Wire, n. s. p. f.:				
Quantity.....pounds..	352,177,754	426,074,277	427,769,910	130,554,482
Value.....	\$20,704,508	\$24,641,881	\$25,371,776	\$7,730,872
Other manufactures of wire, n. s. p. f.....	\$3,677,127	\$5,090,491	\$6,765,429	\$2,541,442

Mr. ROBINSON. Since the amendment I proposed last evening was submitted the chairman of the Finance Committee has this morning advised the Senate that the committee now proposes a reduction in the rate submitted with its report on the bill. If the chairman of the committee should see fit to make a further reduction, namely, to the point fixed in the House bill, I myself would be content for the present to accept the same. The rates, however, which he proposes are 5 per cent in excess of the rates carried in the House items, or approximately that. It is 5 per cent as to most of the items. Unless he sees fit to make that further concession, it is my purpose to offer and have voted on by the Senate, with a record vote, the amendment which I have offered.

Mr. SIMMONS. Mr. President, may I ask the Senator, who I know has looked very carefully into this item, as I have not myself had an opportunity to do, a question?

Mr. ROBINSON. I yield to the Senator from North Carolina.

Mr. SIMMONS. While his statement relating to the ad valorem rates in the House bill and Senate committee bill is correct, has he compared the specific rate which this item carries with the House rate?

Mr. ROBINSON. The specific rates in the bill are the House rates. There is no amendment proposed to the paragraph which I am discussing relative to any specific rate incorporated by the House. I ask the Senator from North Dakota if that is not correct?

Mr. McCUMBER. That is correct.

Mr. ROBINSON. So that under the rule of the Senate by which we are now proceeding it is not in order to submit an amendment to any specific rate in the bill. Under the agreement heretofore entered and the rules of the Senate, amendments must be confined to the ad valorem rates embraced in the amendment of the committee which, as I have stated, were at first very much higher than the committee now proposes to make them.

Mr. McCUMBER. I want to say to the Senator that if he will take the beginning of the section he will find that 1 cent per pound on the cheaper wire is equivalent to about 25 per cent

ad valorem, and if I were to consent to reduce the other or the higher-priced wire below the 5 per cent ad valorem, the Senator can see that they would be improperly related—

Mr. ROBINSON. That might be true.

Mr. McCUMBER. Even though both might possibly take a little lower rate. If, when we consider the section itself, we then should reduce the rate on the cheaper wire, we can very easily make a rate on the correspondingly highest-priced wire as proposed by the committee, but I should not wish at this time to agree to an amendment on these items which would bring them out of proportion with the previous portion of the paragraph.

Mr. ROBINSON. I understand that perfectly. I would like very much to see a reduction in the specific rates carried in this paragraph, and if it were not for the parliamentary situation preventing it, my first amendment would be to reduce those rates. I feel morally sure that if a substantial reduction can be effected in the ad valorem rates, material reductions will naturally follow in the specific rates, and that is one of the reasons why I am urging a reduction in the ad valorem rates. If we agree now to the rate, even as reduced by the Senator from North Dakota and thus give it the appearance of unanimous action in the Senate, there will be no possibility hereafter of securing any reduction in the specific rates or any reduction in the ad valorem rates relating to wire.

Mr. SIMMONS. Mr. President—

The PRESIDING OFFICER (Mr. Jones of Washington in the chair). Does the Senator from Arkansas yield to the Senator from North Carolina?

Mr. ROBINSON. I yield.

Mr. SIMMONS. I would like to ask the chairman of the committee if it is not possible for the committee to furnish Senators with the ad valorem equivalent of the specific rate and the compound rate? In every tariff bill that has been presented heretofore since I have been a member of the committee the Senate has been put in possession of the ad valorem equivalent. Senators will readily see how difficult it is for a Senator to understand what a rate amounts to as applied to a particular product when it is part specific and part ad valorem. It is necessary, in order that he should have any understanding of it at all, that he should go and find what the price of the particular product is. Here we have five or six different forms of the same product with specific duties on some and compound duties on others. If we knew the ad valorem equivalents, they would convey to the mind of a Senator some idea of the amount of the tax, but if the tax is partly specific and partly ad valorem a Senator does not know and can not have any real conception of what the amount of the tax is, unless he can ascertain the value of the product and apply the specific rate to it reduced to the form of an ad valorem.

I have had this matter up with Mr. McCoy, the statistician of the Treasury Department, who has generally furnished the committee with such information, and Mr. McCoy tells me that he has been at work on it, but has not been able to furnish the committee or the Senate with the information; and he can not furnish it to me because he is so busily engaged in the other work of the committee and the general work assigned to him by the Treasury Department. If Mr. McCoy can not furnish us the equivalent ad valorem of these rates, can not the Senator from North Dakota arrange with the Treasury Department for somebody else to work out the ad valorem equivalents? I am saying this because I know that it would assist me greatly in the preparation of my argument when I make any argument about this measure, and I know it would assist other Senators. Senators are coming to me every day and asking me what is the ad valorem equivalent of a certain specific rate, but I am utterly unable to furnish them any information. I am simply asking the Senator from North Dakota if he can not help the Senate to get this very necessary information.

Mr. McCUMBER. Mr. President, before reporting the pending bill to the Senate, I requested the Tariff Commission to try to secure for us just the information for which the Senator from North Carolina is now asking, but up to the present time, in view of the work they have on hand, they have not been able to supply us with that information.

Mr. ROBINSON. If I may make a suggestion to the Senator from North Dakota, the incorporation in a paragraph of two different bases for the imposition of tariff rates necessarily results in confusion. There are undoubtedly reasons why specific duties should in some instances be imposed and ad valorem duties be imposed in others; but I can conceive of no reason why a specific duty should be placed on round iron or steel wire not smaller than ninety-five one-thousandths of an inch in diameter and an ad valorem duty imposed on the same wire that happens to be worth more than 6 cents a pound.

Mr. SMOOT. Mr. President—

Mr. ROBINSON. Just one moment. Such a manner of dealing with the subject causes confusion and certainly does not promote clarity. Why not incorporate an amendment providing ad valorem duties on all steel wires?

Mr. SMOOT. Mr. President—

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

Mr. ROBINSON. I yield.

Mr. SMOOT. In this paragraph where specific duties are provided they are on the ordinary common, round iron or steel wire which is made by ordinary processes and manufactured in bulk by thousands and tens of thousands of tons. The price of such wire is always low. The ad valorem duty applies only to wires valued above 6 cents a pound, which is the lowest price per pound for wire involving more difficult processes of manufacture. The wire falling under that classification will run as high as \$1.25 per pound, perhaps up to \$1.50 a pound. The limitation begins at 6 cents a pound, because such wires are of a special character, and when imported they are imported as specials. Most of this character of wire comes from Norway, I presume, where it is claimed the best steel wire in the world is made under a process that requires a great deal of labor and also the use of alloys such as tungsten and others which are provided for in the iron and steel schedule. It would be impossible to put a specific duty upon that class of goods in the same bracket with the wires which are cheaper in value and carry specific duties.

Mr. ROBINSON. No doubt all that the Senator from Utah has said is true; and it is somewhat illuminating; but it does not in any degree answer the question, Why should not ad valorem rates be imposed on all wire? The rates might vary, just as the specific duties vary. The reason that the Senator from Utah has given for the adoption of the specific rates does not justify any distinction between the ad valorem rates and the specific rates, because the ad valorem rates could be incorporated under separate paragraphs, or brackets, as he terms them, just as well as the specific rates. If the ad valorem equivalent were stated, then some comprehension could be had of the actual amount of protection afforded by these specific rates.

The Senator from North Dakota said a moment ago, if I heard him correctly, that the first rate of three-fourths cent is equivalent to about 25 per cent ad valorem, although subsequently, when asked by the Senator from North Carolina about the specific rates in the paragraph, he did not claim to have very much information on the subject. I should like to ask the Senator if he knows what the ad valorem equivalent of 1½ cents per pound referred to in line 19 would be, and what would be the ad valorem equivalent of 1½ cents per pound in line 20?

Mr. McCUMBER. I have had an expert working on these figures, and he gave me the information for which the Senator asked. The information that he gave me was that the duties would average somewhere along about 25 per cent. That is the best information I can possibly give the Senator. Of course, there is a question whether we should take the present price or the pre-war price or the last report that we have on the subject, and each one would give a different result.

Mr. ROBINSON. Certainly; the effect of any ad valorem rate depends upon the price.

Mr. McCUMBER. Certainly.

Mr. ROBINSON. And it varies as the price varies, no matter what the percentage is.

Mr. McCUMBER. But taking the price which we may look for as to all these items I think the rates would average about 25 per cent.

Mr. SIMMONS. Mr. President, I call attention to this matter at this time because the examination of this particular paragraph illustrates probably as well as any paragraph of the bill the admixture of specific and ad valorem rates, and the imposition of specific rates altogether and of ad valorem rates altogether. I suppose the Senator from North Dakota will admit that this bill, probably to a greater extent than any tariff bill we have ever had, adopts either specific rates or compound rates. Is not that true?

Mr. McCUMBER. I do not know that it does so to a greater extent than any bill we have ever had, but the House passed the bill in that form, and we preferred rather than get into a conflict where it was not necessary to make the duties conform to what we thought was about right and leave them in the form in which they were adopted by the House. I agree with the Senator that wherever it can be done, as a rule, we ought to have specific duties alone or ad valorem duties alone.

Mr. SIMMONS. I am not discussing that phase of the question now; I am not objecting to specific rates; I am not objecting to the compound rates; I am not discussing those; but what I am anxious about is, if it is possible, that the committee shall furnish the Senate with the ad valorem equivalents of the specific rates or of the compound specific and ad valorem rates. I think that information is absolutely necessary in order to enable us understandingly and intelligently to discuss these schedules.

Mr. McCUMBER. If the Senator will allow me, on what basis would he desire that to be estimated—on the pre-war basis, on the 1921 basis, or the last information that we can get from the reports of sales?

Mr. SIMMONS. I suppose when the committee imposed these specific rates they probably had some information as to the unit value of the article, that it was worth so many cents a pound. I suppose the committee had some information or some basis for ascertaining the value of that particular article.

Mr. McCUMBER. The Senator is correct. However, we did not keep a record of just what the price happened to be on that day nor have we any testimony concerning it. There has been a considerable change, as the Senator knows, in some of these prices even since we reported the bill.

Mr. SIMMONS. That is very true, but I suppose the rates were determined upon the basis of prices before the committee at the time the bill was prepared; and I have understood that those prices were ascertained largely, though not altogether, from the Reynolds report.

Mr. McCoy, the Actuary of the Treasury Department, aided by other experts, has never heretofore found it difficult to give the Senate at least an estimate—of course, it could be nothing but an estimate—of the ad valorem equivalents.

Mr. McCUMBER. Let me say, if the Senator will allow me, that the actuary is giving all of his time, day and night, to other work, a portion of which is making estimates for the Treasury Department, and it is impossible to lay anything more upon him. As I have stated to the Senate, I asked the Tariff Commission to try to give us that information at the time I reported the bill but I have not as yet received it.

Mr. SIMMONS. Mr. President, I fully appreciate the situation so far as the Actuary of the Treasury Department is concerned. He has been the hardest worker whom I have ever known, and one of the most conscientious workers. I know he has not the time; he tells me that he has not. I am not saying this in any controversial spirit, but what I wish the Senator to do or the committee to do, if the Actuary of the Treasury has not time to compile the information, and the Senator's appeals to the commission have not as yet resulted in securing the information, is to impress upon the commission the importance of having this information, and see if he can not speed them up.

Mr. McCUMBER. I shall try to do so, Mr. President.

Mr. SIMMONS. I really feel that it is a very important matter in connection with this subject.

Mr. McCUMBER. I will again call the attention of the commission to my previous request, but so far I have not received the information. Whether they will be able to furnish it in the near future or not I can not answer.

Mr. ROBINSON. Mr. President, I am compelled to leave the Chamber for a few minutes to meet an imperative engagement, and I shall conclude my remarks on the pending amendment at once.

The item embraces piano wire, needle wire, crucible steel of small gauges, common wire. These commodities ought not to carry an excessive rate of duty. There is nothing in the condition of the industry that has been brought to my attention that either makes necessary or justifies a high protective rate on importations.

Considering the very important uses to which some of the commodities included within this item are put, I feel justified in asking the Senate to vote on the amendment which I have proposed, although, of course, the amendment which the Senator from North Dakota has indicated that it is his purpose to submit if mine is rejected is far preferable to the original committee amendment, because it does substantially reduce the rate carried by that original amendment.

I am ready for a vote.

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

Mr. ROBINSON and Mr. ASHURST called for the yeas and nays, and they were ordered.

The PRESIDING OFFICER. The Secretary will call the roll.

The reading clerk proceeded to call the roll.



Mr. HALE (when his name was called). I transfer my pair with the senior Senator from Tennessee [Mr. SHIELDS] to the junior Senator from Delaware [Mr. DU PONT] and will vote. I vote "nay."

Mr. JONES of New Mexico (when his name was called). I announce the transfer of my general pair with the Senator from Maine [Mr. FERNALD] to the Senator from Missouri [Mr. REYNOLDS] and ask that this announcement may stand for the day. I vote "yea."

Mr. MOSES (when Mr. KEYES's name was called). I am authorized by my colleague [Mr. KEYES] to state that if present he would vote "nay" on this question.

Mr. McCUMBER (when his name was called). I transfer my general pair with the junior Senator from Utah [Mr. KING] to the junior Senator from Maryland [Mr. WELLER], which notice of transfer may stand for the day, and I vote "nay."

Mr. NEW (when his name was called). I transfer my pair with the junior Senator from Tennessee [Mr. McKELLAR] to the junior Senator from New Hampshire [Mr. KEYES] and will vote. I vote "nay."

Mr. WALSH of Montana (when his name was called). I transfer my pair with the Senator from New Jersey [Mr. FRELINGHUYSEN] to the Senator from Texas [Mr. CULBERSON], and will vote. I vote "yea."

Mr. WATSON of Georgia (when his name was called). I transfer my pair with the Senator from Arizona [Mr. CAMERON] to the Senator from Massachusetts [Mr. WALSH], and will vote. I vote "yea."

Mr. CURTIS (when Mr. WILLIS's name was called). I have been requested to announce the absence of the junior Senator from Ohio [Mr. WILLIS]. He is paired with his colleague, the senior Senator from Ohio [Mr. POMERENE]. I will let this announcement stand for the day.

The roll call was concluded.

Mr. DILLINGHAM. I have a general pair with the junior Senator from Virginia [Mr. GLASS]. I observe that he has not voted. I therefore transfer my pair with him to the junior Senator from Oregon [Mr. STANFIELD], and will vote. I vote "nay."

Mr. ERNST. I transfer my pair with my colleague [Mr. STANLEY] to the Senator from Pennsylvania [Mr. CROW], and will vote. I vote "nay."

Mr. FLETCHER. I transfer my pair with the Senator from Delaware [Mr. BALL] to the Senator from Nebraska [Mr. HITCHCOCK], and will vote. I vote "yea."

Mr. CURTIS. I have been requested to announce the following pairs:

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 Indiana [Mr. WATSON] with the Senator from Mississippi [Mr. WILLIAMS].

The result was announced—yeas 27, nays 36, as follows:

YEAS—27.

Ashurst	Gerry	Norris	Smith
Borah	Harris	Overman	Spencer
Broussard	Harrison	Pittman	Swanson
Capper	Heflin	Ransdell	Underwood
Caraway	Jones, N. Mex.	Robinson	Walsh, Mont.
Cummins	La Follette	Sheppard	Watson, Ga.
Fletcher	Myers	Simmons	

NAYS—36.

Brandegee	Johnson	McNary	Poindexter
Bursum	Jones, Wash.	Moses	Rawson
Calder	Kellogg	New	Shortridge
Curtis	Ladd	Newberry	Smoot
Dillingham	Lenroot	Nicholson	Sterling
Elkins	Lodge	Oddie	Sutherland
Ernst	McCumber	Page	Townsend
Fraunce	McKinley	Pepper	Wadsworth
Hale	McLean	Phipps	Warren

NOT VOTING—33.

Hall	Frelinghuysen	McKellar	Trammell
Cameron	Glass	Nelson	Walsh, Mass.
Colt	Gooding	Norbeck	Watson, Ind.
Crow	Harrell	Owen	Weller
Culbertson	Hitchcock	Pomerene	Williams
Dial	Kendrick	Reed	Willis
du Pont	Keyes	Shields	
Edge	King	Stanfield	
Fernald	McCormick	Stanley	

So Mr. ROBINSON's amendment to the amendment of the committee was rejected.

Mr. SMOOT. Mr. President, on line 22, I move to strike out "35" and insert "25."

The PRESIDING OFFICER. The amendment to the amendment will be stated.

The READING CLERK. On page 59, line 22, in the committee amendment, it is proposed to strike out "35" and insert "25."

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

Mr. SPENCER. Mr. President, the tariff on that drawn wire is now 15 per cent. The House bill made it 20 per cent. The motion of the Senator from Utah now is to make it 25 per cent ad valorem. The truth of the matter is—

Mr. SMOOT. If the Senator will wait until the next amendment is reached, on page 60, line 5, we will then consider the wishes of the Senator.

Mr. SPENCER. No; I am on page 59.

Mr. SMOOT. The item in which the Senator is interested, or of which he is desiring importations, is on page 60, line 5. I shall offer an amendment there, and then whatever the Senator desires to say will be upon that amendment.

Mr. SPENCER. The interest of the Senator from Missouri is even broader than the Senator from Utah thinks, and it is precisely on this item which we are now considering, for this item has to do with the drawn wire. The item the Senator has in mind on the next page has to do with the woven-wire rope. With regard to the drawn wire, I may say to the Senator that these facts can not be contradicted:

Drawn wire is made and sold in the United States at 7.45 cents a pound. When they get the drawn wire from England, they have to pay from 10 to 22 cents a pound. Where is there any need of a duty?

Mr. SMOOT. Simply because the two wires are no more comparable than softwood and hardwood, and the Senator knows it.

Mr. SPENCER. The Senator does not know it. This wire upon which you now seek to put an increased duty—first over the present law, then over what the House put in—is the kind of wire that comes in competition with the wire that is made in England. You can not defend it on a revenue bill, because the whole amount imported last year was only a million and a quarter of dollars, and the year before it was about the same amount.

Mr. FLETCHER. Mr. President, will the Senator tell me what paragraph he refers to?

Mr. SPENCER. This is paragraph 316, on page 59.

There is no plea for it upon the ground of the condition of the producers, because every producer of drawn wire in the United States has prospered under the present tariff.

Mr. SIMMONS. Mr. President, is the Senator aware of the fact that we just voted upon an amendment offered by the Senator from Arkansas [Mr. ROBINSON] to reduce this rate to 15 per cent?

Mr. SPENCER. The Senator from Missouri is aware of that, and the Senator from Missouri voted in favor of the amendment to reduce it to 15 per cent.

Mr. SIMMONS. Is the Senator now going to vote for the committee amendment?

Mr. SPENCER. The Senator is not going to vote for the committee amendment imposing a duty of 25 per cent. There is no justification for it.

Mr. SIMMONS. The Senator is right.

Mr. SPENCER. Of all the wire rope that is made in the United States, 80 per cent is consumed by those who make it. I mean to say that the drawn wire that goes into the making of wire rope, the single strand, is made in the United States and is made by the producers of wire rope. They use their own production, except for about 20 per cent of it, and that comes in competition with English drawn wire, and the English drawn wire costs more in England than the American drawn wire does in the United States. Where is there any ground for a protective tariff upon it?

The Senator from Utah says the two wires are entirely distinct. What two wires? This bill provides for any wire selling for more than 6 cents a pound. Where is there any differential between drawn wires in the mind of the Senator from Utah?

Mr. SMOOT. The wire which Broderick & Bascom, of St. Louis, import to make a special wire.

Mr. SPENCER. On what page of the tariff bill is that referred to?

Mr. SMOOT. It is in the very item the Senator speaks of.

Mr. SPENCER. So is the other wire of which I speak.

Mr. SMOOT. The Senator knows that the other wire made here is not comparable with the English wire.

Mr. SPENCER. Made here?

Mr. SMOOT. The Senator knows that the wire rope made from the wire imported by Broderick & Bascom sells for more than the American rope sells for.

Mr. SPENCER. I think the English wire is a better wire.

Mr. SMOOT. Certainly it is.

Mr. SPENCER. Because it is made from Swedish ore, and I think the ingredients of phosphate in Swedish ore make it more adaptable to making wire rope than the American ore; but the fact still remains that under this bill you make it impossible to bring any wire in.

Mr. SMOOT. I will say to the Senator that if the rate were even 25 or 30 per cent the wire would come in. They would use that kind of wire. They will not buy American wire. They built their trade up on making their particular kind of wire rope, and I suggest to the Senator that he ask the purchaser what he pays for the rope when buying it.

Mr. SPENCER. I think there is a good deal in what the Senator from Utah says. In other words, there is such a demand for that yellow strand wire rope that it will be bought irrespective of its price. That is the point the Senator from Utah makes, is it not?

Mr. SMOOT. It is an advertised brand, a special wire, there is no doubt about it, but if the Senator gets a low rate on wire, he will want double the rate on the manufactured article.

Mr. SPENCER. I do not care whether you put any tariff on the drawn wire or not.

Mr. SMOOT. No; I know the Senator does not.

Mr. SPENCER. Leave them both out, if you like; but I will follow that a little with the Senator. If the Senator from Utah is right that that special brand of wire rope will be used, irrespective of its price, what is the argument for increasing that price to the consumer, when for the last eight years it has been produced and bought and used at a price and without affecting injuriously any American competitor?

Mr. SMOOT. Broderick & Bascom would not sell it for a penny less. They sell it now for every dollar they can get, and they would if it were free.

Mr. SPENCER. If you increase the duty upon the drawn wire which makes up that rope, will not the price of the finished product be increased?

Mr. SMOOT. There is no doubt about that.

Mr. SPENCER. Why increase the price of the finished product if there is no competition?

Mr. SMOOT. I know the Senator is interested in seeing that they continue to make the profits they have been making, but I want to say to the Senator now that, as far as I am concerned, I would prefer to see a little of the profit go into the Treasury of the United States.

Mr. SPENCER. The Senator knows that the importation of that wire is negligible. There is no revenue feature in it.

Mr. SMOOT. Every pound that is made into that wire rope comes into the United States from England.

Mr. SPENCER. What was the total amount of importations last year, or the last year before that? Neither of them exceeded in the aggregate a million and a half dollars. The revenue feature is negligible.

Mr. SMOOT. There is only one concern making this rope, and the wire that goes into every pound of rope they make and every pound they sell comes from England. Not an ounce of the wire is made in the United States.

Mr. SPENCER. Let me say to the Senator from Utah, for his judgment is good and his fairness is great, that if that wire rope, as the Senator says, is a special product, which the American people who need it will use at any price, why does the Senator insist on increasing the duty on the raw material, the drawn wire, so as to raise the price to the consuming public in the United States, when, as the Senator says, there is no competition with that rope? What is the argument for it?

Mr. SMOOT. I did not say there was not any competition, because if they get too high, of course the people will purchase other grades.

Mr. SPENCER. I thought the Senator said they would buy it irrespective of the price.

Mr. SMOOT. No; I did not go that far. I said many would buy that rope as against any other rope in the United States, even at a higher price; and they will.

Mr. SPENCER. Where is the utility, where is the revenue, where is the principle for increasing the price of wire rope when there is no American competition for it?

Mr. SMOOT. The revenue will be the difference between 15 per cent and 25 per cent. They will import just as many pounds of that wire with the duty of 25 per cent on it as they will with the duty of 15 per cent on it, and that makes a difference of 66½ per cent in the rate, and a consequent difference in the amount of money which will go into the Treasury of the United States.

Mr. SPENCER. With an aggregate of imports not exceeding a million and a half?

Mr. SMOOT. The duty on \$1,500,000 is worth while looking out for.

Mr. SIMMONS. Mr. President, let me suggest to the Senator from Missouri that we have had many illustrations here in the last few days of the fact that as soon as it was shown that there was no justification for a rate imposed from a protective standpoint, because there were practically no importations of the article, at once the committee, finding itself unable to justify the rate upon the protective principle, said that it was levied for the purpose of getting revenue.

Mr. SPENCER. The Senator from Utah says that when we get the wire-rope matter settled he proposes to offer an amendment to cut the rate below the rate proposed by the committee. Am I right about that?

Mr. SMOOT. The Senator from Utah proposes to cut the 35 per cent on the wire to 25 per cent, and then proposes to cut wire rope generally—that is, the wire under which this would fall—from 40 per cent to 35, making a differential of 5 per cent.

Mr. SPENCER. In other words, this is what is happening now. Under the present law the tariff upon the drawn wire, which is the raw material, if you like, is 15 per cent. The tariff upon the manufactured wire rope is 30 per cent, double the other. Now the Senator comes in and proposes to increase the rate on the raw material from 15 to 25 per cent, or 66½ per cent, and then to decrease the differential on the product from 40 per cent, as you have it in the bill, to 35 per cent.

Mr. SMOOT. That is right.

Mr. SPENCER. In other words, you add to the duty upon the raw material 10 per cent ad valorem and you add to the duty on the finished product only 5 per cent, which, of course, as the Senator knows, drives out of business the great concern in the city where I live which has been in business for 50 years. You increase the duty upon the raw material 66½ per cent, and then diminish the duty upon the finished product. I say to the Senator that there is no foundation in principle for any such tariff, and the Senator knows how strong I am for a protective tariff. The Senator has not advanced any reason to support it.

Mr. SMOOT. The Senator from Missouri does not want any duty. He would like to have this wire come in free, so he is not a protectionist as far as wire imported here by Broderick & Bascom is concerned.

The wire rope sells for twice the amount of the wire. The committee has increased the rate from 15 to 25 per cent, which is a 66½ per cent increase of the rate, or 10 per cent increase in the duty.

Mr. SPENCER. Why? What is the reason for it? Who is asking it? Where is the interest back of it?

Mr. SMOOT. Broderick & Bascom are not asking it.

Mr. SPENCER. Who is asking for it? Where is there any reason for it? I know what the committee has done.

Mr. SMOOT. It would be very foolish, indeed, to make a bill and have round iron and steel wire of the smaller sizes carrying an equivalent duty, as was provided for by the specific rate of 25 per cent, and then, because Broderick & Bascom want the higher priced wire to come in, have the specific duty less than that on the common steel wire. There has to be some uniformity in this legislation.

Mr. SPENCER. The uniformity for 15 years has been in the proportion of 1 to 2. Where, I still ask the Senator, is there any reason for this?

Mr. SMOOT. The Senator can not say that that has been true for 15 years. As to this particular item, there has been that differential since the Underwood law went into effect.

Mr. SPENCER. Since 1913. What was the differential in the Payne-Aldrich law? Was it not 2 to 1?

Mr. SMOOT. On the round iron and steel the Payne-Aldrich rates were about 37 per cent.

Mr. SPENCER. What was the difference between the drawn wire and the wire rope? Was it not approximately two to one?

Mr. SMOOT. No; not nearly two to one.

Mr. SIMMONS. While the Senator from Utah is looking up the data, I should like to make a suggestion to the Senator from Missouri. As there are a great many different kinds of wire in this particular paragraph, I had supposed that these duties were imposed for protection, but it seems that the one he is talking about, which can not be justified upon any protective principle, they now claim was levied for the purpose of obtaining revenue. I suggest to the Senator, if he is going to speak on the various wire items in this schedule, that he ask the Senator from Utah before he begins to discuss them to tell him on which one of these articles the rate was levied for the purpose of protection, and on which ones the rate was levied for the purpose of obtaining revenue.



Mr. SMOOT. Mr. President, I find that in the Payne-Aldrich law the rate was 35 per cent.

Mr. SPENCER. On what?

Mr. SMOOT. On the wire.

Mr. SPENCER. On the drawn wire, or on the wire rope?

Mr. SMOOT. It reads, "All of the foregoing \* \* \* shall pay a duty of not less than 35 per cent ad valorem."

Mr. SPENCER. On what?

Mr. SMOOT. In other words, the rate may even be higher than on the steel wire.

Mr. SPENCER. On the single strand?

Mr. SMOOT. On the strand itself.

Mr. SPENCER. How much on the wire rope?

Mr. SMOOT. Then it says, "whether rolled or drawn through dies or rolls, or otherwise produced," not specially provided for in this section, shall pay a duty of not less than 35 per cent ad valorem. It is the same thing. It is not less than 35 per cent ad valorem on both of them.

Mr. SPENCER. In the Payne-Aldrich law?

Mr. SMOOT. Yes.

Mr. SPENCER. Then I can date back only to 1913?

Mr. SMOOT. Yes.

Mr. SPENCER. Since 1913 we have had 15 per cent ad valorem upon drawn strand and 30 per cent on wire rope. The Senator knows well enough that wherever you can put your finger upon any plant, upon any industry, where the cost of manufacturing is less abroad than it is in the United States, and we need to protect the American workmen in their wages and living conditions, we have the foundation for the protective tariff in which I believe. The Senator knows that if we can see any place where in the future an industry has a fair chance of being developed in these United States, if we protect it against foreign competition, against competition with cheap labor abroad, I am in favor of it, for I do believe in a protective tariff.

But the Senator brings up a case like this where since 1913 there has been prosperity for the American manufacturer and where, so far as I know—and I ask the Senator to correct me if I am wrong and I challenge him to the statement—there is no objection, no competition which would be affected disastrously by a continuance of the present tariff rate. Why does the Senator increase the tariff on strand wire? He says it goes into wire rope that is made by the Broderick & Bascom Wire Co. at St. Louis, and that is true. He said the product is an excellent product, that it has a market because of its excellency. That is true. Of course, its price to the consumer depends upon the cost of the material that goes into it and the labor that puts that material into the making of rope. Since 1913 that wire rope has been made largely from English wire, upon which a duty of 15 per cent has been placed. What is the reason for increasing the rate? Where is the demand for it? It can do only one thing, and that is that it can and it will raise the price of wire rope to the American consumer, and it will not benefit a single American factory nor give employment to another American man. Where is there any reason for it?

Mr. SIMMONS. Mr. President, will the Senator kindly tell the Senate what the wire rope is used for and who uses it, so we may see whether the situation is such as to justify a revenue tariff upon the article?

Mr. SPENCER. It is used in the State of the Senator from Utah in mining operations. It is used where strong, durable wire rope is necessary for hauling or for drayage or for any other purpose that requires a wire rope of tensile strength and durability. It is used wherever wire rope is generally used. It is used for cable purposes. It fills the general field that wire rope fills.

Mr. SIMMONS. It is used largely in connection with the operation of our ships?

Mr. SPENCER. Yes. I say right now that my voice is silent if the Senator from Utah can show me any American industry that will be benefited if there are any of the familiar bases of a protective tariff underneath this increase. I make no objection even to the increase from 15 per cent, the present law, to 20 per cent, the rate proposed by the House bill. Of course I thought perhaps they might get along, but from my own city I am telling the Senator that if he puts this tariff rate into operation as the Senate committee has reported it, that great industry, 50 years old, employing hundreds of men in the city where I live, will go out of business in the making of the wire rope; and it is no answer for the Senator to say "Oh, they will make their wire rope; they will continue to sell it as they always have," for those who know that factory know to the contrary.

Mr. SMOOT. Mr. President, the Senator talks about that firm going out of business, a firm 50 years old. They did not go

out of business while the Payne-Aldrich law was in operation nor while the other tariff laws before that were in operation, when the duty upon wire was exactly the same as the duty upon the finished product. In this bill we are imposing 25 per cent, and we are giving them 35 per cent upon the finished rope. Talk about going out of business! Under the Payne-Aldrich law they imported this exact wire and paid 35 per cent on it, and the wire rope made from it under the Payne-Aldrich law bore a rate of 35 per cent. They did not go out of business with no differential whatever, and now we propose to give them a 10 per cent differential; that is, from 25 per cent upon the wire to 35 per cent upon the rope.

Mr. McCUMBER. Mr. President, I want to ask the Senator from Utah, who certainly understands the use of this wire rope and its value, and so forth, and knows how it is made, if he believes that it will cost them more than 10 per cent ad valorem to twist that wire into rope?

Mr. SMOOT. The 10 per cent is upon the value of the article as compared with the wire, and they sell the rope for twice the amount of the wire to-day. The 10 per cent is not only upon the wire cost, but upon the value cost of the rope, and that is twice the amount of the wire. There is no more danger of them going out of business than there is of the heavens falling.

I want to modify the statement that I made that I thought this particular rope was the best rope in the market. I fear my statement was that it was the best wire in the world. The American manufacturers deny that it is, but I do know that, in my opinion, it is very much better wire for special purposes than the American rope and they get more for it. Therefore I made that statement, but I want it to apply, so far as I am concerned and not so far as any statement made by the Tariff Commission. The Tariff Commission takes issue with me, I see, and claim that there is not so very much difference in the value of the article, but I think there is a difference.

Mr. SPENCER. Inasmuch as the firm is in St. Louis, I have more confidence in the Senator's opinion regarding the excellence of its output than I have in his judgment on the rate.

Mr. SMOOT. I thought the Senator would, and I assure the Senator from St. Louis that the company will not be harmed in any way, shape, or form by a 25 per cent rate on wire, with a differential of 10 per cent on the rope.

Mr. SPENCER. That is gratifying as an evidence of intention, but it does not satisfy the condition at all.

Mr. SIMMONS. I suggest to the Senator from Missouri that he had better take a bond and not rely upon the personal assurance of the Senator from Utah.

Mr. SPENCER. I would take the Senator's personal bond either upon that or any other matter, but I am sure the Senator from Utah will confine his guaranty to verbal utterances on the floor of the Senate, which the Senator knows have no legal force.

Mr. SMOOT. I would like to take payment for that bond on a percentage basis of their gain over and above a certain amount. Then I would give them the bond.

Mr. SPENCER. We may have a bargain right here on the Senate floor. I will give the Senator the percentage.

Mr. President, a parliamentary inquiry. As I understand, the motion of the Senator from Utah is to change the present proposed rate from 35 per cent to 25 per cent?

The PRESIDING OFFICER. That is the pending amendment to the committee amendment.

Mr. SPENCER. Is a motion in order to change to 20 per cent instead of 25 per cent?

The PRESIDING OFFICER. It is not in order. That would be an amendment in the third degree.

Mr. CARAWAY. Mr. President, is that a Democratic filibuster in progress on the other side of the Chamber?

Mr. SMOOT. No. We had that this morning when the Senator from Arkansas had the floor.

Mr. CARAWAY. What are we having now?

Mr. SMOOT. This is discussion of the bill. The Senator was engaged in filibustering this morning.

Mr. CARAWAY. What is the Senator doing now?

Mr. SMOOT. I am talking about the bill.

Mr. CARAWAY. Is he filibustering?

Mr. SMOOT. No; I am answering questions, just the same as I would if Senators on the other side of the Chamber asked them.

Mr. CARAWAY. I thought the Senator was filibustering.

Mr. SMOOT. Oh, no. The only filibuster we have had this morning was by the Senator from Arkansas himself.

Mr. CARAWAY. What is the Senator from Utah doing now?

Mr. SMOOT. Answering the Senator from Arkansas.

Mr. CARAWAY. He is filibustering, then, is he not?

Mr. SMOOT. Oh, no.

Mr. CARAWAY. The Senator says I am filibustering.

Mr. SMOOT. I did not say now. I said the Senator was filibustering this morning.

Mr. CARAWAY. But the Senator is helping me now, is he not? We are running together, the Senator from Utah and myself.

Mr. HEFLIN. Mr. President, the Washington Post of to-day contains an article about the prosecution of the Cement Trust—

Mr. SIMMONS. Mr. President, may I suggest to the Senator from Alabama that the paragraph which we have up now for consideration is extremely interesting. Let us get through with that, and then the Senator can proceed.

Mr. HEFLIN. It will only take two minutes, and I want to bring this in before we vote.

Mr. SIMMONS. This paragraph is so very interesting that I thought the Senator would let us finish it.

Mr. HEFLIN. I shall only take a moment or two.

Mr. President, the Cement Trust of the United States is being prosecuted. I read from this morning's Washington Post:

NEW YORK, May 25 (by the Associated Press).—The jury which heard the evidence against cement manufacturing firms and several of their officials, charged with violation of the Sherman antitrust law, failed to agree after 35 hours' deliberation and to-night was dismissed by Federal Judge Knox.

The Atlas Portland Cement Co. and 18 other corporations, together with 44 officials, were the defendants in the suit.

I had occasion to make a few remarks the other night on the subject of taxing cement. The Cement Trust of the United States now holds the American consumer in the hollow of its hands. It violates the Sherman antitrust law. Some of the people who are being pinched and robbed by the prices fixed by the Cement Trust have gone into the courts to prosecute the concern. The case is now pending, and while it was going on, while the Cement Trust is resisting the lawfully constituted authority of the Government in the performance of its duty, the Republican Senate, sitting in the Capitol of the United States, imposes a tax upon cement and practically shuts out all imports, leaving the people more than ever absolutely in the hands of the Cement Trust.

The point I want to make, and I promise my good friend, the Senator from North Carolina, that I shall not take more than a moment and will let them proceed with the item now under consideration, is that the Cement Trust of America, holding up every consumer in the country, now defying the law of the land, haled into court by the people who have been outraged by these fixed prices, is powerful enough, influential and persuasive enough, to have a Republican Senate put a tax upon the cement that comes into the country in competition with theirs, which would give the consumer an opportunity through competitive selling to obtain cement at a reasonable price.

The law is being violated, but the trust is so powerful and so influential now that it secures the passage through this body of a tax upon cement. It holds the American people in and shuts out cement which might enable them to get it at a fair price and leaves them helpless at the mercy of the Cement Trust of the United States.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Utah [Mr. SMOOT] to the committee amendment.

The amendment to the amendment was agreed to.

The PRESIDING OFFICER. The question is on the amendment as amended.

Mr. SIMMONS. Upon that I ask for the yeas and nays.

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

Mr. FLETCHER (when his name was called). I have a general pair with the Senator from Delaware [Mr. BALL]. In his absence, I transfer that pair to the Senator from South Carolina [Mr. DIAL], and vote "nay."

Mr. MOSES (when the name of Mr. KEYES was called). My colleague [Mr. KEYES] has authorized me to make the statement that, if present, he would vote "yea" upon this question.

Mr. NEW (when his name was called). Making the same announcement as on the previous vote in reference to the transfer of my pair, I vote "yea."

Mr. WALSH of Montana (when his name was called). I transfer by general pair with the Senator from New Jersey [Mr. FRELINGHUYSEN] to the Senator from Texas [Mr. CULBERSON], and vote "nay."

Mr. WATSON of Georgia (when his name was called). I have a general pair with the Senator from Arizona [Mr. CAMERON], which I transfer to the junior Senator from Massachusetts [Mr. WALSH], and vote "nay."

Mr. WILLIAMS (when his name was called). I transfer my pair with the Senator from Indiana [Mr. WATSON] to the Senator from Rhode Island [Mr. GERRY], and vote "nay."

The roll call was concluded.

Mr. DILLINGHAM. Making the same announcement as to my pair and its transfer as heretofore, I vote "yea."

Mr. HALE. Making the same announcement as before in reference to my pair and its transfer, I vote "yea."

Mr. ERNST. I transfer my general pair with the senior Senator from Kentucky [Mr. STANLEY] to the junior Senator from South Dakota [Mr. NORBECK], and vote "yea."

Mr. LODGE. I transfer my general pair with the senior Senator from Alabama [Mr. UNDERWOOD] to the Senator from Colorado [Mr. NICHOLSON], and vote "yea."

Mr. CURTIS. I am requested to announce the following pairs:

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 junior Senator from Ohio [Mr. WILLIS] with the senior Senator from Ohio [Mr. POMERENE].

The result was announced—yeas 37, nays 27, as follows:

## YEAS—37.

Brandegee	Harrell	Moses	Shortridge
Broussard	Johnson	Nelson	Smoot
Bursum	Jones, Wash.	New	Sterling
Calder	Kendrick	Newberry	Sutherland
Cummins	Lenroot	Oddie	Townsend
Curtis	Lodge	Page	Wadsworth
Dillingham	McCumber	Pepper	Warren
Ernst	McKinley	Phipps	
Gooding	McLean	Poin Dexter	
Hale	McNary	Rawson	

## NAYS—27.

Ashurst	Harrison	Norris	Smith
Borah	Heffin	Overman	Spencer
Capper	Hitchcock	Pittman	Swanson
Caraway	Jones, N. Mex.	Ransdell	Walsh, Mont.
Fletcher	Kellogg	Robinson	Watson, Ga.
France	La Follette	Sheppard	Williams
Harris	Myers	Simmons	

## NOT VOTING—32.

Ball	Elkins	McCormick	Stanfield
Cameron	Fernald	McKellar	Stanley
Colt	Frellinghuysen	Nicholson	Trammell
Crow	Gerry	Norbeck	Underwood
Culberson	Glass	Owen	Walsh, Mass.
Dial	Keyes	Pomerene	Watson, Ind.
du Pont	Kling	Reed	Weller
Edge	Ladd	Shields	Willis

So the amendment of the Committee on Finance as amended was agreed to.

The PRESIDENT pro tempore. The next amendment will be stated.

The READING CLERK. On page 59, paragraph 316, line 24, after the word "provided," it is proposed to strike out "for, except" and to insert "for (except)"; and in line 25, after the word "or," to strike out "platinum" and to insert "platinum," so as to read:

All wire composed of iron, steel, or other metal, not specially provided for (except gold, silver, or platinum).

The next amendment was, on page 60, line 4, after the word "produced," to strike out "and all other wire not specially provided for, 20" and insert "35," so as to read:

All flat wires and all steel in strips not thicker than one-quarter of 1 inch and not exceeding 16 inches in width, whether in long or short lengths, in coils or otherwise, and whether rolled or drawn through dies or rolls, or otherwise produced, 35 per cent ad valorem.

Mr. SMOOT. Now, Mr. President, on page 60, line 5, before the words "per cent," I move to strike out the numerals "35" and to insert the numerals "25."

Mr. HITCHCOCK. Mr. President—

The PRESIDENT pro tempore. The question is on the amendment of the Senator from Utah to the committee amendment.

The amendment to the amendment was agreed to.

Mr. SIMMONS. Mr. President, my understanding is that the vote just taken was upon the question of reducing the rate provided by the committee from 35 per cent to 25 per cent.

Mr. SMOOT. It was.

Mr. SIMMONS. But we have not yet voted upon the question of adopting the amendment as amended providing for the 25 per cent rate.

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

Mr. SIMMONS. I thought the Senator from Nebraska desired to discuss that question.

Mr. HITCHCOCK. I did not exactly understand the parliamentary situation when the first question was put. I was going to ask the Senator from Utah what warrant there is for mak-



ing the rate 25 per cent instead of 15 per cent as under existing law?

Mr. SMOOT. We have discussed that question for three-quarters of an hour.

Mr. HITCHCOCK. Can the Senator state what the reason is?

Mr. SMOOT. This bracket relates to high-priced steel, steel valued at above 6 cents and running to \$1 a pound or more, and an ad valorem rate of 25 per cent we thought was absolutely necessary to cover all of the steel within that bracket.

Mr. HITCHCOCK. Are the imports such as to threaten the American industry?

Mr. SMOOT. There is one firm in the United States that imports all of this particular class of the steel which is used in the United States. It is English steel. The steels embraced in this paragraph are generally alloy steels and are of the highest price.

Mr. HITCHCOCK. I should like the Senator to give the figures, if he has them, showing a comparison between the imports and domestic production.

Mr. SMOOT. The Senator from Nebraska has them before him if he wants to put them into the Record, but they have already been put into the Record by the Senator from North Carolina [Mr. SIMMONS], I think.

Mr. SIMMONS. No; they were inserted in the Record by the Senator from Arkansas [Mr. ROBINSON].

Mr. SMOOT. They were inserted in the Record by the Senator from Arkansas.

Mr. SIMMONS. Let me ask the Senator from Utah a question. When we were considering the amendment, on page 59, in line 22, striking out 35 per cent as proposed by the committee and reducing the rate to 25 per cent, the Senator from Missouri made it clear that the 25 per cent rate, which is an increase of 10 per cent over the present law, could not be justified, and stated to the Senate that if the rate were increased from 15 per cent, which is the rate of the present law, it would destroy a very important industry in this State, one employing thousands of laborers, and he appealed to the committee to relent and to accept the present rate. They refused to do that. He then proceeded to show that there was no principle of protection upon which this increase in rate could be justified, and he presented facts and figures to sustain his contention, and then the Senator from Utah stated that this duty was levied for purposes of revenue.

Mr. SMOOT. No; I did not say for purposes of revenue.

Mr. SIMMONS. For revenue purposes.

Mr. SMOOT. No; I said we would collect two-thirds more than we would under the 15 per cent.

Mr. SIMMONS. But did not the Senator finally contend that it was a revenue duty, and that that was the purpose?

Mr. SMOOT. No. I spoke of revenue as being one of the features, and said that the amount would come in here whether it was 15 per cent or 25 per cent, and that the revenue would be two-thirds more.

Mr. SIMMONS. Of course, I always accept what my good friend from Utah says; but I was under the impression that the argument of the Senator from Missouri [Mr. SPENCER] had so completely demolished the contention that this increased rate was necessary for purposes of protection that the Senator from Utah, finding that he could not sustain it upon that principle, had proclaimed that it was a good duty to get revenue out of.

Now I want to ask the Senator from Utah if the duty of 35 per cent which is proposed on page 60 with reference to another class of wire, and which he proposes to reduce to 25 per cent, is imposed for the purpose of protection, or is it imposed for the purpose of revenue?

Mr. SMOOT. It is imposed for the purpose of protection.

Mr. SIMMONS. I am not in possession of the facts myself; the Senator from Arkansas [Mr. ROBINSON], who discussed this matter only very briefly, was compelled to leave the Chamber, and never finished his real discussion. Will the Senator from Utah give us the facts upon which he justifies this increase in the rate for the purpose of protection? Of course, if it is justified upon the ground that we need the revenue, and that this is an article upon which we can afford to impose a revenue duty, that would end the argument; but the Senator now says that this duty is imposed for the purposes of protection, and I suggest that the Senator ought to give the Senate some reasons why this additional protection is needed.

Mr. SMOOT. Mr. President, this duty is on "all flat wires and all steel in strips not thicker than one-quarter of 1 inch and not exceeding 16 inches in width, whether in long or short lengths, in coils or otherwise, and whether rolled or drawn through dies or rolls, or otherwise produced." That is the highest standard of finished product that can be shipped into this country that goes into the finest steel goods made. The

razor blades made in this country are produced from steel falling under this provision, and tax only razor blades of all kinds—

Mr. SIMMONS. This includes wire as well as steel strips.

Mr. SMOOT. It is all made in that shape, and it comes in that shape, and the duty is absolutely necessary in order to protect the manufacturer of the highly specialized products made from this high-priced steel.

Mr. SIMMONS. Will the Senator answer me a further question? The Senator from Missouri [Mr. SPENCER], who, I presume, speaks with some degree of experience, because the industry that he was discussing is one that is located in his own town—

Mr. SMOOT. Not this at all; this is an entirely different proposition.

Mr. SIMMONS. I was going to ask the Senator whether the facts that he gave then are at all applicable to this. The Senator from Missouri stated, with reference to the other item in this paragraph, that the wire imported into this country sold for 10 cents a pound as against the domestic price of 6 cents a pound. I want to ask the Senator if this high grade and high standard of steel that he speaks of is imported here from Great Britain, and if from Great Britain, whether the price charged for that article is below or in excess of the price charged for the comparable article produced in this country?

Mr. SMOOT. The Senator is going back now to an item—

Mr. SIMMONS. No; I am asking about this particular item.

Mr. SMOOT. These items run all the way from 6 cents a pound up to \$1.25 a pound.

Mr. SIMMONS. That does not answer the question I asked. I am asking the Senator whether the foreign price of this high-grade steel that he talks about is higher than the domestic price?

Mr. SMOOT. I think the domestic price is higher than the foreign price.

Mr. SIMMONS. Is it enough higher than the foreign price to justify a duty of 25 per cent?

Mr. SMOOT. I think so.

Mr. SIMMONS. It seems to me the Senator ought not to think about that; the Senator ought to have the information about that. This duty was imposed by the committee of which he is one of the leading members, and I assume that the Senator would not impose a duty of 25 per cent on an article if there is any doubt about whether the foreign article undersells or oversells the domestic article. If it oversells the domestic article, then, of course, there is no justification for it. If it undersells the domestic article there is no justification for that amount of duty unless it is necessary, according to their theory, to bring the foreign price up to the domestic price.

Mr. SMOOT. Mr. President, of course, I could not make any answer that would be satisfactory to the Senator from North Carolina.

Mr. SIMMONS. But the Senator might make one that would be satisfactory to somebody else in the Senate, or satisfactory to the country, if not to me, if I am so obstinate about this matter that he can not satisfy me.

Mr. SMOOT. I am going to call the Senator's attention to the facts as submitted here in the Reynolds report. Of course, that would not satisfy the Senator, but I want him to see what that shows.

Mr. SIMMONS. Mr. President, I simply asked the Senator for the facts about this. I have not said that I would not accept his facts. I asked him to give the facts because I think the Senate is entitled to the facts; I think the country is entitled to the facts; and when I ask questions of Senators over on the other side in a proper spirit—and I certainly have done that—it is no answer to say that I would not be satisfied whatever the price might be. I am not the one to be satisfied; it is the country.

Mr. SMOOT. The Reynolds commission collected three items under this paragraph, steel in strips. The country from which it came was Sweden. Most of it does come from Sweden. Some comes from England. Particularly that which comes from England, however, comes in strands of wire. The quantity was 100 pounds. The foreign value was \$51.10. The landing charges were \$1.34. The selling price of the imported article in the United States was \$65.98, and the selling price of the comparable article in the United States was \$80. The rate required to equalize, allowing a reasonable profit, was 85 per cent. That is what the Reynolds report shows.

Mr. SIMMONS. Will the Senator tell me under what—

Mr. SMOOT. Under paragraph 316.

Mr. SIMMONS. Yes; but I was going to ask the Senator if he would tell me what table in the summary on page 408 this product would come under. There are about 15 or 20 different

tables there, and I am not sufficiently familiar with this item to determine under which table it falls. It seems to me, however, it would fall under the table "Wire of iron or steel or other metal coated by dipping." Perhaps that is not the proper one, but I should like to have information from the Senator upon that point.

Mr. SMOOT. I think if the Senator will look on page 409, "All other wire not specifically provided for," and also "All other manufactures of wire not specifically provided for," the two brackets there no doubt would cover this.

Mr. SIMMONS. The two bottom tables?

Mr. SMOOT. I think they would cover it.

Mr. SIMMONS. I am not now in possession of the amount of production in this country; but the table, second from the last, shows that in 1918 the importations into this country, measured in dollars, were only \$63,000. In 1920 they were only \$203,000. In 1921 they were only \$171,000. It shows that the duty collected—if this is a revenue item—in 1918 was \$8,000; in 1919, \$9,000; and in 1920, \$30,000.

Mr. President, I do not know exactly what the production was, but perhaps I can find out.

The total of steel and iron wire—that is it—produced in this country in 1919 was 2,508,890 short tons. That is the amount—2,500,000 short tons—and the importations amounted in 1918 to \$55,000. I think that if the Senator has any respect for the measure of protection which he has laid down as the proper measure of these duties, upon a consideration of those facts—2,500,000 tons of production and \$55,000 worth of imports—he would be compelled to say that this duty was not a protective duty, but that it was a revenue duty; but, whether a revenue duty or a protective duty, it is evidently a duty that will increase the price of this commonly used article to a very considerable extent to the American consumers.

If it is a revenue duty it could not be justified, because of the insignificant amount of revenue which would accrue. The revenue is so small because the importations are so small; and therefore it seems to me logically it must follow that this duty is imposed simply to protect some interest that feels that it is entitled to have the American market absolutely safeguarded from foreign competition in the future, in order that it may fix the price of its products and increase its profits at will.

Mr. HITCHCOCK. Mr. President, it may be that the Senator from Utah is able to understand this paragraph and to analyze it so as to have a clear view of what these different classes of wire and wire manufactures are. I must confess that I can not, and I think it is one of the evils of this bill that it is almost impossible, as to some of the schedules, to make a proper comparison with existing law.

The existing law levies a tariff of 15 per cent on all of these classes of wire, which in this paragraph are divided up. Some of them have specific duties, like three-fourths of 1 cent per pound, or 1½ cents per pound, or 1¼ cents per pound, and nobody but the most astute statistician can tell what the ad valorem rate is, and can make any comparison with existing law.

Then these various wire schedules are divided in accordance with the size of the wire, and then still another specification is made as to the cost of the wire, and finally we come down to the pending amendment, and find that all wire composed of iron, steel, or other metal not specially provided for had a duty of 20 per cent levied on it by the House, the Senate committee recommended 35 per cent ad valorem, and I understand now the Senator from Utah proposes 25 per cent ad valorem.

Why all of this specification? Why all this confusion? No one can compare these various specifications with the existing law, which is simply 15 per cent ad valorem. I ask the Senator, has there been any undue competition from abroad under the 15 per cent ad valorem rate as it exists to-day, and if there has been such undue competition, even from the Republican standpoint, can he clearly state what it is? I am not able to find it in the statistics here. I find that the Tariff Commission states specifically that the present production of wire and the present production of wire products in the United States is enormous. There seems to be no intimation that any foreign competition is at all detrimental, and yet we have an increase in this schedule. In three particulars it is made a specific rate instead of the existing ad valorem rate, and no man can tell whether that is an increase or not. When we come down to the ad valorem rate of 20 per cent, as proposed by the House, or 25 per cent, as proposed by the Senate committee, then we can compare and see what it amounts to in this particular, almost a doubling of existing rate, and I ask why it is doubled. Can the Senator state why it is doubled?

Mr. SMOOT. I made a statement as to that twice, and the Senator now comes into the Chamber, when the Senator from Arkansas has left and the Senator from North Carolina has left

and wants me to go over exactly the same ground I have already gone over twice, and I do not think it is necessary to waste the time of the Senate in doing that.

Mr. HITCHCOCK. Then, if the Senator declines to state it, I state that there is nothing in the figures showing a considerable import of this wire, and there is not considerable importation of any product, practically, made from this wire. On the contrary, the information furnished by the Tariff Commission is that for the year 1919 the wire-drawing mills of the United States—and of them there are 117 establishments—produced \$409,000,000 worth of this, and of that output \$401,000,000 represents wire and manufactures of wire. I assert, if the Senator will not offer the figures, that there is no importation of wire and wire products which in the slightest degree threatens that great production in the United States, amounting to over \$1,000,000 a day at the present time.

The Senator from Iowa [Mr. CUMMINS] said that this is an inopportune time to enact a tariff bill. He stated that he did not like to vote for an increase of a tariff unless and until some responsible authority could show that the increase was justified by the difference in the cost of labor abroad and in the United States, or at least the difference in the cost of manufacture abroad and in the United States. The committee makes no showing of that sort, makes absolutely no showing to the Senate as to any difference in the cost of manufacture in the United States and abroad. On the other hand, the evidence shows that we have an enormous production in the United States, and importations which are almost negligible.

It may be that Senators can justify voting for nearly doubling the schedule under these circumstances. This article of wire, and this particular wire we are discussing—that is, wire composed of iron, steel, or other metal, not specially provided for—is used in the manufacture of immense quantities of what have come to be regarded as the necessities of life. It is used in the manufacture of telephone wire, it is used in the manufacture of telegraph wire, it is used in the manufacture of nails, it is used in the manufacture of tacks, it is used in the manufacture of wire fence, and used in a dozen other capacities for the common use of the American people. Yet, without any information, without even an intelligent statement of what the difference in the proposed schedule is, we are asked to vote for what seems to be a rate which is about twice as high as the rate in existing law, although the rate in the existing law produces but little revenue and under the existing law but trifling imports come into the country.

The Senator from Utah has made the technical objection that the technical lines upon which we are now engaged represent a high-priced wire. I think he is mistaken in that. The high-priced wire is provided for on page 59, in the proviso which reads:

*Provided, That all of the foregoing valued above 6 cents per pound shall pay a duty of 20 per cent—*

according to the House provision, and as the Senate committee recommended, 35 per cent. So that all wire valued at above 6 cents per pound is already provided for by that section, and it is evident that all wire composed of iron, steel, or other metal not specially provided for can not be valued at above 6 cents per pound.

Mr. SMOOT. I do not want to interrupt the Senator, but—

Mr. HITCHCOCK. I would be glad to have the Senator interrupt me if I have erroneously stated the case.

Mr. SMOOT. The "above" refers to high-priced wire, and even that wire runs all the way from 6 cents a pound up to 90 cents and \$1 a pound. But this refers to wire which is in long or short lengths, coils or otherwise, and does not exceed 16 inches in width. It is entirely a different proposition. It is to provide for the steel that comes in for razor blades and the highest type of manufactured article.

Mr. HITCHCOCK. I think the Senator has read it incorrectly.

Mr. SMOOT. I know that is what this item covers and what the articles are used for.

Mr. HITCHCOCK. On line 23 the language is, "All wire," which is a pretty general term, "composed of iron, steel, or other metal." I can not see how it could be more general.

Mr. SMOOT. What we are talking about is all flat wires and all steel in strips.

Mr. HITCHCOCK. It does not say anything about that in what I have quoted.

Mr. SMOOT. No; but that is what this proviso we are now discussing is concerned with.

Mr. HITCHCOCK. The proviso reads:

*That all of the foregoing valued above 6 cents per pound shall pay a duty of 20 per cent ad valorem.*



We have passed that. Then it goes on, after a semicolon, "All wire composed of iron," and so forth. That is a repetition. It does not refer to flat wire.

Mr. SMOOT. Read a little further.

Mr. HITCHCOCK. It says, "All wire composed of iron, steel, or other metal not specially provided for." Does not that include all wire made from any metal that is not provided for either above or subsequently? The general basket clause, "all wire," the House subjected to a tariff of 20 per cent, and the Senate committee proposes to raise it to 35 per cent, and the Senator now is willing to accept 25 per cent; but that refers to all wire.

Mr. SMOOT. Not specifically provided for.

Mr. HITCHCOCK. Where is this cheap wire otherwise provided for?

Mr. SMOOT. It is all above that. It is a specific duty, the same as it was in the act of 1909. As I have stated here three times, that is the bulk of production in the United States. The wire the Senator refers to is that not specially provided for here, and is nothing but the things which would fall in the basket clause covering wire, and will carry a rate of 25 per cent if the amendment offered by me is adopted.

Mr. HITCHCOCK. Of course, those specific provisions are not before us, because they have not been amended by the committee.

Mr. SMOOT. Why does the Senator ask the question, then?

Mr. HITCHCOCK. Because I am suspicious of these basket clauses. I know that in the past they have been used for the purpose of imposing inordinate duties, and I think that the general basket clause, "all wire composed of iron, steel, or other metal, not specially provided for," is likely to embrace a very large proportion of the wire manufactures.

Mr. SMOOT. Does it embrace them to-day under existing law? Was a tariff bill ever written that did not contain a "not specially provided for" clause?

Mr. HITCHCOCK. It is provided for in the existing law under the same clause in which all the other wires are covered. There is no attempt to mislead the unsuspecting reader by putting in a specific duty in one sentence, and then making a change in another, and then imposing an ad valorem duty in the next, so that nobody but a Philadelphia lawyer can tell what the rate is, and the committee will not enlighten us.

Mr. SMOOT. The rates are exactly the same in this paragraph. They are 25 per cent in both cases, and it does not take a Philadelphia lawyer, or anybody else, if you know anything about tariff matters, to see that they fall under identically the same rate in this bill, just as they did in the other law.

Mr. HITCHCOCK. Is the Senator able to state the equivalent ad valorem of three-fourths of 1 cent?

Mr. SMOOT. The average rate is about 25 per cent.

Mr. HITCHCOCK. I am not talking about the average rate. What is the equivalent ad valorem of 1½ cents per pound?

Mr. SMOOT. About 25 per cent.

Mr. HITCHCOCK. And 1½ cents?

Mr. SMOOT. It will be about 25 per cent. It all depends on the thickness. The finer the wire is the more it costs.

Mr. HITCHCOCK. Then, as a matter of fact, it is increasing the existing rate of 15 per cent to a proposed rate of 25 per cent, when we have an enormous production of that wire in the United States at the present time, and an insignificant importation of it.

Mr. SMOOT. I can tell the Senator now what the exact ad valorem rate was in 1909, based on the prices then. One and one-half cents in the Payne-Aldrich law—

Mr. HITCHCOCK. The people repudiated the Payne-Aldrich law. I am talking about existing law. The rate in existing law is 15 per cent, and it is existing law you are changing. You are not changing the Payne-Aldrich law. What is your warrant for nearly doubling the rate in the existing law? Is it the cost of production at home and abroad? You do not know; you can not tell the Senate what that is. Is it the great importation of the stuff? You know the figures show there is not a great importation. Why, then, are you proposing to double the existing rate on a very necessary article, an article which goes into the manufacture of so many things which the people are compelled to consume? There will not be an answer to that any more than there was when we asked you why you were proposing to raise the tax on wood alcohol, the world manufacture of which is almost controlled by the American manufacturers.

Why are you proposing to raise the rate on ink, or why are you proposing to raise the rate on a number of other articles? They are not luxuries; they are necessities of life, and every time you impose a higher tax on them you increase the cost of

living to the American people. In this particular case, as to wire, you are increasing the cost of building; you are increasing the cost of merchandising, in which wire nails are used so extensively. Yet we have not any justification or any attempt to justify it from any standpoint.

Mr. SIMMONS. Mr. President, I wish to call the attention of the Senator from Nebraska to the fact that the provision which he has just been discussing is a matter upon which we have voted. I think his remarks were very illuminating, but in the part of that proviso which we are discussing the question of "not specially provided for" does not come in, and yet they have made the rates the same.

Mr. SMOOT. The clause "not specially provided for" does not have to appear in every bracket. It is in the paragraph, but it does not have to appear in every bracket. There is no need of having it in two places.

Mr. SIMMONS. I desire to inquire whether the amendment of the committee reducing the proposed rate from 35 to 25 has been agreed to?

The PRESIDENT pro tempore. It has been agreed to.

Mr. SIMMONS. The question now is upon the adoption of the committee amendment as amended?

The PRESIDENT pro tempore. The question is now upon agreeing to the committee amendment as amended.

Mr. HITCHCOCK. That raises the House rate, as I understand it?

Mr. SIMMONS. Yes. Upon that I ask for the yeas and nays. The yeas and nays were ordered, and the Assistant Secretary proceeded to call the roll.

Mr. ERNST (when his name was called). Making the same announcement as before, I vote "yea."

Mr. FLETCHER (when his name was called). I have a general pair with the senior Senator from Delaware [Mr. BALL], which I transfer to the junior Senator from Rhode Island [Mr. GERRY] and vote "nay."

Mr. MOSES (when Mr. KEYES's name was called). I am authorized by my colleague [Mr. KEYES] to state that if present he would vote "yea" on this question.

Mr. NEW (when his name was called). Making the same announcement as on the previous vote with reference to the transfer of my pair, I vote "yea."

Mr. WATSON of Georgia (when his name was called). Making the same announcement as before, I vote "nay."

Mr. WILLIAMS (when his name was called). I have a general pair with the Senator from Indiana [Mr. WATSON]. I transfer that pair to the Senator from Nevada [Mr. PITTMAN] and vote "nay."

The roll call was concluded.

Mr. HALE. Making the same announcement as before, I vote "yea."

Mr. DILLINGHAM. Making the same announcement as before, I vote "yea."

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

Mr. HARRISON (after having voted in the negative). Has the junior Senator from West Virginia [Mr. ELKINS] voted?

The PRESIDENT pro tempore. He has not voted.

Mr. HARRISON. I have a general pair with that Senator. In his absence, being unable to obtain a transfer, I withdraw my vote.

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

The junior Senator from Ohio [Mr. WILLIS] with the senior Senator from Ohio [Mr. POMERENE];

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

The senior Senator from Rhode Island [Mr. COLT] with the junior Senator from Florida [Mr. TRAMMELL].

The result was announced—yeas 37, nays 26, as follows:

YEAS—37.

Brandegee	Kellogg	Nelson	Smoot
Broussard	Ladd	New	Spencer
Burns	Lenroot	Newberry	Sterling
Curtis	Lodge	Oddie	Sutherland
Dillingham	McCormick	Page	Townsend
Ernst	McCumber	Pepper	Wadsworth
France	McKinley	Phipps	Warren
Hale	McLean	Poindexter	
Johnson	McNary	Shortridge	
Jones, Wash.	Moses		

NAYS—26.

Ashurst	Fletcher	Norris	Swanson
Borah	Farris	Overman	Underwood
Capper	Healin	Ransdell	Walsh, Mont.
Caraway	Hitchcock	Rawson	Watson, Ga.
Culberson	Jones, N. Mex.	Sheppard	Williams
Cummins	La Follette	Simmons	
Dial	Myers	Smith	

## NOT VOTING—33.

Ball	Frelinghuysen	McKellar	Stanley
Calder	Gerry	Nicholson	Trammell
Cameron	Glass	Owen	Walsh, Mass.
Colt	Gooding	Pittman	Watson, Ind.
Crow	Harrel	Pomerene	Weller
du Pont	Harrison	Keed	Willis
Edge	Kendrick	Robinson	
Elkins	Keyes	Shields	
Fernald	King	Stanfield	

So the committee amendment as amended was agreed to.

## ORDER FOR RECESS.

Mr. McCUMBER. Mr. President, at this time I desire to ask unanimous consent that when the Senate completes its session on this calendar day it shall recess until 11 o'clock a. m. on Monday.

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

## DEDICATION OF LINCOLN MEMORIAL.

Mr. CURTIS. Mr. President, the Senate has already accepted the invitation to attend the Lincoln Memorial exercises Tuesday afternoon. Under the unanimous-consent agreement previously entered into the Senate would take a recess at half past 1 on Tuesday until Wednesday morning at 11 o'clock. In order that some of the Senators who have engagements for Tuesday may make the necessary arrangements, I ask unanimous consent that when we conclude the business of the Senate on the calendar day of Monday, May 29, the Senate shall take a recess until 1.25 o'clock p. m. on Tuesday. That will give us time to meet at 1.25, remain in session for 5 minutes, and then join the procession to attend the ceremonies at the Lincoln Memorial.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Kansas?

Mr. UNDERWOOD. Mr. President, I have not any objection at all. Tuesday is Decoration Day, of course.

Mr. CURTIS. That is why I have asked for a modification of the unanimous-consent agreement, in order that Senators may have all day Tuesday. If they desire to attend the exercises at Arlington in the morning, they may do so and then meet here only for 5 minutes and attend the exercises at the Lincoln Memorial.

Mr. UNDERWOOD. There is no conflict between the request of the Senator from North Dakota and the request of the Senator from Kansas?

Mr. CURTIS. None at all. I may state to the Senate that arrangements will be made for automobiles to carry Senators to the exercises at the Lincoln Memorial. Later in the day, if possible, I shall have printed in the RECORD the program for that day so that Senators may know what the arrangements are and can govern themselves accordingly.

The PRESIDENT pro tempore. Is there objection to the unanimous-consent request of the Senator from Kansas? The Chair hears none and it is ordered accordingly.

The PRESIDENT pro tempore subsequently said: The Chair has received a communication addressed to the Vice President from Lieut. Col. C. O. Sherrill, Corps of Engineers, United States Army, relative to the ceremonies to be held at the Lincoln Memorial May 30, 1922. Without objection, it will be printed in the RECORD and lie on the table for the information of Senators.

The communication is as follows:

LINCOLN MEMORIAL COMMISSION,  
Washington, May 27, 1922.

Hon. CALVIN COOLIDGE,  
President of United States Senate, Washington, D. C.

MY DEAR MR. VICE PRESIDENT: It is requested that the following information be given out to Senators in reference to the ceremonies to be held at the Lincoln Memorial on May 30 at 2.30 p. m.

It is requested that all Senators who attend arrive at the memorial by the Twenty-third Street route. This street will be closed to all except southbound traffic. The Senators are to get out of their cars at the northwest of the Lincoln Memorial on the circular sidewalk around the memorial. At this point they will be met by the Sergeant at Arms of the Senate and his assistants, and will be assembled not later than 2.30 p. m. on the circular grass area north of the memorial and immediately adjoining it. At 2.30 p. m. the Senators who have assembled will be conducted by the Sergeant at Arms to their seats on the Senate platform on the upper terrace of the memorial.

The cars of Senators will be parked on the outer side of the circular road surrounding the memorial, as indicated on their special parking cards, which should be attached to the windshield of motor cars.

After the services are over the Senators will again enter their cars at the same point at which they leave them and the cars will proceed northward up Twenty-third Street or Twenty-first Street.

It is of great importance that the Senators be advised that no one whatever will be authorized to use the special tickets provided for the Senators in the Senate section except the Senators themselves. It is, therefore, suggested that such of these tickets as are not going to be used by the Senators themselves be turned over to the Sergeant at Arms to be returned to this office.

The Sergeant at Arms is fully familiar with all the details in reference to the ceremony and will be present to identify the Senators and admit them to the special section reserved for the Senate.

Very sincerely yours,

C. O. SHERRILL,  
Lieutenant Colonel, Corps of Engineers,  
Executive and Disbursing Officer.

Mr. McCUMBER. Mr. President, I desire to state at this time that I hope the Republican members of the Committee on Finance, who have had charge of making the rates in the pending bill, will be able to sit and work with us during the day of Tuesday, instead of taking a holiday on that day. Of course, I shall not insist that anyone of them do that, but I hope that they will be able to do so, because there are a great many matters coming up daily which are presented to us, in the consideration of which I should like to have those members of the committee join in our sessions.

## 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 PRESIDENT pro tempore. The next amendment of the committee will be stated.

The ASSISTANT SECRETARY. On page 60, line 6, it is proposed to strike out the word "steel" and to insert the same word with a comma immediately thereafter.

The PRESIDENT pro tempore. Without objection, the amendment is agreed to.

The next amendment was, on the same page, in line 7, to strike out the word "electrolytic" and to insert the same word with a comma following.

The PRESIDENT pro tempore. Without objection, the amendment is agreed to.

The next amendment was, on the same page, in line 12, to strike out the word "except" and to insert "(except.)"

The PRESIDENT pro tempore. Without objection, the amendment is agreed to.

The next amendment was, on the same page, line 13, to strike out the word "platinum" and to insert "platinum)."

The PRESIDENT pro tempore. Without objection, the amendment is agreed to.

The next amendment was, on the same page, in line 15, before the words "per cent," to strike out the numeral "30" and to insert in lieu thereof the numeral "40," so as to read:

telegraph, telephone, and other wires and cables composed of iron, steel, or other metal (except gold, silver, or platinum), covered with or composed in part of cotton, jute, silk, enamel, lacquer, rubber, paper, compound, or other material, with or without metal covering, 40 per cent ad valorem.

Mr. SMOOT. When the time comes I shall move to strike out "40" and insert "35" in that amendment and in each of the three following amendments.

I will say to the Senator that these articles are cables composed of steel, iron, or other metals, and there is the differential between the 25 per cent rate on the wire and upon the finished manufactured article.

Mr. SIMMONS. Will the Senator from Utah be kind enough to tell me in which one of the tables on pages 408 and 409 of the Tariff Summary the articles in this bracket are covered?

Mr. SMOOT. The Senator from North Carolina may consult the table on page 409, at the middle of the page.

Mr. SIMMONS. What is the heading of it?

Mr. SMOOT. "Telegraph, telephone, and other wires and cables." I will afterwards tell the Senator where the other items are found in the table, although the articles we have now reached embrace virtually all of the items which are produced in any great quantity.

Mr. SIMMONS. Then the items we are now to consider are covered by the table headed "Telegraph, telephone, and other wires and cables"?

Mr. SMOOT. Yes; and all wires "covered with or composed in part of cotton, jute, silk," and so forth.

Mr. SIMMONS. Will the Senator advise me, if he has any figures in reference to the matter, what is the domestic production of these wires?

Mr. SMOOT. If I remember correctly, there is no information given by the Tariff Commission specifically on that item, but I will say to the Senator that the production in this country is very large.

Mr. SIMMONS. I will ask the Senator from Utah if the production is not covered in the Tariff Commission's report by the statement—

The total production of insulated wire and cables for the same year—



That is, for 1919—  
was valued at \$129,623,100?

Mr. SMOOT. Yes; I will say to the Senator that covers the item.

Mr. SIMMONS. Mr. President, we have this situation: The production of this article is \$129,623,100, or, in round numbers, \$130,000,000. The imports for the year 1918 were valued at \$17,964; in 1914 at \$44,955; in 1920 at \$59,074; and in the first nine months of 1921 at \$139,504. I think we might say in face of those figures that, with a domestic production of \$130,000,000, there are practically no importations of this commodity.

I assume, therefore, that this duty is imposed for revenue purposes. I will ask the Senator from Utah if the purpose of the imposition of this 40 per cent duty, which the Senator now proposes to reduce to 35 per cent, is for revenue?

Mr. SMOOT. No; it is for protection.

Mr. SIMMONS. In face of those facts I should like to ask the Senator to give us the reason why it should be protected. I do not know why, and I should like to be informed.

Mr. SMOOT. If the Senator from North Carolina will notice, he will see that in 1918 there were only 170,981 pounds imported; in 1919 the importations rose to 327,000 pounds; and for the nine months during 1921 they rose to 830,000 pounds. The information I have is that the importations are now increasing very rapidly. I will admit, however, to the Senator that the importations are small as compared with the domestic production in this country at this time.

There is a duty of 25 per cent upon the wire itself; this bracket embraces wire covered with or composed of cotton jute, silk, enamel, or other material, making a cable, and there should be a differential between the raw product and the manufactured article of 10 per cent.

Mr. SIMMONS. Does the Senator contend that this duty is put on for compensatory purposes?

Mr. SMOOT. I did not say it was for compensatory purposes. I said the differential between the raw product and the manufactured article is 10 per cent.

Mr. SIMMONS. We do not get much of an idea by making the comparison in pounds; dollars answer a much better purpose; they enlighten the mind to a greater extent. One hundred and thirty million dollars' worth is the domestic production, and the Senator says because of the fact that importations have increased in four years from \$17,000 to \$138,000 worth admonishes the Republican Party that they ought to put a 35 per cent duty upon this product. At that ratio of increase it would probably be 100 years before there would be imported into this country 25 per cent of the domestic production. I do not think the tariff bill ought to anticipate the future for 25 or 50 years.

But, Mr. President, the duty imposed does not seem to be justified upon any protective principle. The Senator has not told us that this product can be produced cheaper abroad than it can be produced here; that it is being sold here at ruinous prices, or that the industry will be destroyed by the importation of this cheap product from abroad. The Senator has not told us that the domestic article costs more than the foreign article; the Senator has not told us that the foreign selling price is so much under the American price that it is necessary to put a duty in order to raise the foreign price up to competitive conditions in this country; the Senator has not given us any of the facts that are supposed to be necessary to underlie and support a protective duty. The Senate is not in possession of a single fact that would justify a protective duty. The only fact that it is in possession of is that the importations are \$138,000, as against a production of \$130,000,000, and that, Mr. President, upon an article that is in common use from one end of this country to the other. It includes not only wires necessary to carry telephone messages from one end of the country to the other, but it includes, I assume, telephone wires.

Mr. SMOOT. Oh, no; it covers cables.

Mr. SIMMONS. The table the Senator gave me a little while ago, under which he said this paragraph falls, covers "telephone and telegraph and other wires and cables."

Mr. SMOOT. "And cables." The wires referred to are in cables.

Mr. SIMMONS. It does not say "in cables"; but "telegraph, telephone, and other wires and cables." That, the Senator from Utah says, is the heading under which these importations come in, and the descriptive term under which the estimate of the domestic production is made is "Production of insulated wires and cables." It will not do for the Senator to say that this is confined to cables when it is not confined to cables.

Mr. SMOOT. It is confined to wire covered with or composed in part of cotton, jute, silk, and so forth.

Mr. SIMMONS. They may be covered with other materials, but I asked the Senator if he justified this rate upon the ground that there was a duty upon the articles that cover the wire and if therefore the wire wrapped up in these things is entitled to a corresponding compensatory duty, and he said he did not. The Senator ought to give the Senate some reason which would justify this rate according to the terms of either protection or revenue. He certainly has not given any that justify it as a protective duty, and he can not give any that justify it as a revenue duty, for the amount of revenue under the importations for 1918 was only \$2,690 and the amount of revenue derived in 1921 was only \$8,861. There is practically no revenue from the duty. Why, then, should we impose a duty of 35 per cent, which is more than a third value of the product, upon these wires and cables used by the people of the country as extensively as any other product of the steel industry is used?

I have no disposition to pursue this matter unnecessarily. If we could secure some information from the Senator that would justify it we would be in a better position to vote intelligently upon it.

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

Mr. WALSH of Montana. Mr. President, before we proceed to a vote, the particular amendment under consideration, as I understand, is found on line 15, page 60, but it is followed up by one of the same tenor in the following line applicable to wire rope and wire strand upon which the duty fixed by the House was 30 per cent ad valorem and the duty proposed by the Senate Finance Committee is 40 per cent ad valorem, which the Senator from Utah now proposes to reduce to 35 per cent. I imagine that the Senator from Missouri [Mr. SPENCER] had some special interest in this particular feature of the paragraph—wire rope.

Mr. SIMMONS. I will state to the Senator that there is an industry in the town of the Senator from Missouri producing a certain class of these wires in which he is very much interested. He thought that the proposed duties, being so excessively high, would destroy that industry, and he voted with us against them, but that item having been passed, he is not so particular about the industry of somebody else.

Mr. WALSH of Montana. I understood that the particular feature to which the Senator from Missouri was objecting was the provision on page 59 with reference to the duty upon the iron or steel wire entering into the composition of the wire rope referred to near the close of the paragraph. The Senator believes that the wire itself ought to be protected to the extent of 35 per cent.

Mr. SMOOT. No; the Senator wanted a lower rate on the wire, and 35 per cent on the wire rope.

Mr. WALSH of Montana. Twenty-five per cent is the figure eventually agreed upon, according to my recollection—25 per cent protection given to the producers of the iron or steel wire. The manufacturers of wire rope are given a compensatory duty of 25 per cent, and then a protection, under the proposition now made, of 10 per cent. In other words, the makers of iron or steel wire are protected to the extent of 25 per cent, but the manufacturers of steel rope are protected to the extent of only 10 per cent. Perhaps the Senator from Missouri would be able to shed some light upon the invidious distinction in the rate of protection with respect to these two articles.

For myself, I can see no very good reason why, if any of these commodities need protection, the manufacturers of wire rope should not be accorded just exactly the same measure of protection as the manufacturers of the wire of which the rope is made; but that is not the feature of the thing that particularly interests my State. It is deeply interested, however, as is every mining State, in the duty upon wire rope.

Every mine must be equipped with this kind of rope. Much of it is woven in great flat strands, and the consumption in my own State must involve, I am sure, an annual expenditure of some hundreds of thousands of dollars.

Mr. McCUMBER. Mr. President, may I ask the Senator if he does not think that the difference between 25 per cent ad valorem on the wire and 35 per cent ad valorem upon the rope is a sufficient conversion cost or differential?

Mr. WALSH of Montana. It is a matter of no consequence to us who buy the stuff how you distribute it. The fact of the matter is that you propose to charge us 40 per cent more for wire rope than we can buy it for elsewhere.

Mr. McCUMBER. I have noted that the Senator suggested that possibly the Senator from Missouri could explain the necessity for more than this 10 per cent differential in the ad valorem rate.

Mr. WALSH of Montana. Yes.

Mr. McCUMBER. I asked the Senator the straight question whether he considered 10 per cent difference a sufficient duty to differentiate.

Mr. WALSH of Montana. I consider it ample. From the figures given, I see no reason why there should be any; but if you give 25 per cent protection to the manufacturers of the wire, what justification is there for cutting off the manufacturer of the wire rope with 10 per cent? Of course, my view about the matter is that there should not be any duty upon either of them.

Mr. SMOOT. This is the justification for not making it more than 35 per cent:

One pound of wire costs 8 cents. One pound of rope costs 16 cents. Twenty-five per cent of the 8-cent wire is 2 cents duty. Thirty-five per cent on the 16-cent rope is 5.6 cents, or a differential of 3.6 cents; and that is ample protection.

Mr. WALSH of Montana. That is an odd way of figuring it, but let it go at that.

Mr. SMOOT. That is the only way.

Mr. WALSH of Montana. That is not my quarrel. My quarrel is that for every \$100,000 worth of wire rope that comes to Butte, Mont., the purchaser must pay \$140,000. In other words, he is taxed to the extent of \$40,000 on every \$100,000 worth of wire rope that is bought, and, from the figures exhibited here, without a justification on earth for it, the production in this country vastly exceeding the imports, which for all practical purposes are negligible.

Mr. President, copper is the chief mineral production of my State.

Mr. SMOOT. The Senator knows that even the present law provides a duty of 30 per cent.

Mr. WALSH of Montana. I do not care what it is.

Mr. SMOOT. No; I see the Senator does not.

Mr. WALSH of Montana. I am calling attention to the fact that the miners of copper in the State of Montana—an industry that is not protected in any way whatever, and can not be—are obliged to pay, for some reason or other which is not disclosed, \$140,000 for every \$100,000 worth of wire rope they purchase.

As I said, the copper industry is not protected. In common with all branches of the mining industry, it has been suffering for a period of two years such distress as has never afflicted it before in the history of the industry. The mines in Butte, now operating in a small way, have been closed down for a period of nine months, signifying such distress in that community as can scarcely be imagined.

Mr. SMOOT. Mr. President—

Mr. WALSH of Montana. I yield to the Senator.

Mr. SMOOT. The Senator, of course, knows that there has been distress in the zinc-mining industry and the lead-mining industry, and there are duties upon those metals.

Mr. WALSH of Montana. Yes; if the Senator will pardon me, I intend to read from the Engineering and Mining Journal of January 21, 1922, something about the state of the mining industry in this country.

The future of the copper industry is influenced by many unmeasured factors. Certain world-wide tendencies are evident, but the effect of such tendencies in individual countries is obscure. A revival of the domestic industry—

Which, of course, indicates that just now it is dead, or moribund—

during the first half of 1922 is expected by some, but is mainly dependent upon general business revival here and in Europe.

"And in Europe"—the revival of the copper industry in this country depends upon the revival of business in Europe.

I clipped from the paper a day or two ago a very gratifying little memorandum to the effect that the foreign demand for copper has shown some evidence of improving, as a consequence of which the price has gone up to 13½ to 13¾ cents a pound. The revival of the industry depends upon the revival of the purchasing power of Europe, to which we annually send 60 per cent of the American product; and we propose now to put up a tariff wall so that Europe can not sell any of her goods to us so as to permit her to buy our copper.

But it is not only the copper industry that is thus paralyzed, Mr. President. I read from the same volume touching lead mining:

Conditions during 1921 in the lead-mining industry, particularly in the stated States, were most discouraging. The selling price of the metal had returned to the pre-war level, but costs, certainly at the beginning of the year, were still on the war level.

Now, it is proposed to put a tariff upon one of the prime things that they must use in lead mining, an increase over the tariff prescribed by the present law, so as to increase further the costs of mining:

Mining, milling, and smelting costs had more than doubled since 1914; wages had increased in no districts less than 75 per cent, and in many operations over 100 per cent; efficiency had dropped; materials, supplies, and railroad freights had in general more than doubled, and on some roads quadrupled. Unless costs could be brought down, most of the ore in the United States would cease to be ore in the generally accepted sense.

Zinc mining is equally suffering:

The year 1921 was most disastrous to the zinc miners. The effects of the war produced a financial crisis which required a drastic curtailment of all expenditures and brought about a hand-to-mouth rate of expenditure extremely detrimental to the industry and to general prosperity and well-being, which involves providing for future as well as present requirements.

And gold mining:

In the United States the decline in the production of gold continued throughout 1921. The small reduction in the cost of supplies and labor which took place during 1921 was not sufficient to warrant starting up many of those properties that were closed down during the peak of the rise in price. The production of gold in the United States has also been diminished by the closing down of the copper mines, from which a certain amount of gold was produced as a by-product.

As I have stated upon the floor heretofore, the copper mines in Butte are now down to a depth of nearly 1 mile, 3,600 to 4,000 feet. The ore is all hoisted from a depth varying from 300 feet from the surface to 4,000 feet, the average depth being, I should say, about 2,000 feet. In other words, Mr. President, every mine that is operating upon an average uses continuously at least a mile of this wire rope, usually from 6 to 8 inches in width; and it is proposed now, in view of the depressed state of the industry, to make the miners pay for the wire rope they use 40 per cent more than it could be purchased for from the foreign manufacturer, when the figures show that there is no occasion whatever for it.

I can not understand how Senators can think of imposing these awful burdens upon the industries of the country in the interest of those who happen to be making wire rope.

Mr. McCUMBER. Mr. President, the Senator has so often reiterated the statement that this bill compels the person who purchases wire rope to pay 40 per cent more than he would pay except for this bill that I think it is proper to call his attention to the fact that the Underwood-Simmons law provides for 30 per cent. We propose to reduce this to 35 per cent, so that there would be a difference of only 5 per cent between the rate in this law and the rate in the Underwood law.

Mr. UNDERWOOD. Of course, I can not recall everything that is in the present law, but will the Senator call to my attention what provision in the present law provides for 30 per cent? My recollection is that the present law provides for a rate of 15 per cent.

Mr. McCUMBER. That is the rate on the wire. We are now talking of the rope. That is what the Senator from Montana is speaking of. The act of 1913, paragraph 114, provided, "wire rope, 30 per cent ad valorem."

Mr. UNDERWOOD. The wire, however, is taxed 15 per cent, is it not?

Mr. McCUMBER. Yes; but the Senator from Montana was talking about wire rope, and the Senator from Montana is insisting that this bill will compel the Montana purchaser to pay 40 per cent more for his wire rope. Assuming that every penny of a tariff added a penny to the final cost, he would simply pay 5 per cent more than under the present law and not 40 per cent more.

Mr. WALSH of Montana. Mr. President, the Senator from Montana made no comparison between what the Montana purchaser would have to pay under this provision and what he would have to pay under the existing law. I insisted he would have to pay 40 per cent more than he could get it for abroad.

Mr. McCUMBER. I think the Senator put it a little broader than that, because he said we were compelling him to pay 40 per cent more than we otherwise would compel him to pay. Does the Senator believe that it should be free? Does he think that we should have not even a penny of revenue duty upon it?

Mr. WALSH of Montana. The figures show that there is no revenue derived from it.

Mr. McCUMBER. If there is no revenue whatever derived from it, I assume it is not injuring anyone particularly. I can not understand the position taken by the Senator from North Carolina about everything in this paragraph. The conditions are practically the same, as shown by his figures, as they were in 1913. He says the importations are a bagatelle. They were a bagatelle at that time. They amounted to but very little, and yet he put a duty of 15 per cent upon this article. We propose a duty of 25 per cent on it. If you can excuse a duty of 15 per cent, you can equally excuse a duty of 25 per cent, unless you establish the fact that it will come in at 15 per cent but will not come in at 25 per cent.



Mr. SIMMONS. Mr. President, I would like to ask the Senator this: If a 15 per cent duty excluded importations, why is it necessary to raise that to a higher figure?

Mr. McCUMBER. Because it did not exclude. I do not think importations will be excluded even with the higher duty. I think we will get substantially about the same proportion we got before, and that the difference in duty of 10 per cent will not affect it one way or the other. I believe there will still be a very slight importation.

Let me explain. There is one item which has already been explained by the Senator from Utah [Mr. SMOOR] and the Senator from Missouri [Mr. SPENCER]. One claims, the other admits, that the English wire is better than any wire produced in the United States for a particular purpose, and that therefore they can obtain whatever price is necessary for them to continue in business in the United States. I will assume that that wire will come in, and that it will be manufactured in the United States, and there will be a sale for the rope into which it goes, notwithstanding the fact that we have added 10 per cent ad valorem duty on the wire, because it is considered, at least by the purchasers, as superior to the American-made wire, and they have to pay a higher price, and they claim they are being held up for an excessive price. So I think it will be sold.

Mr. President, it seems to me we ought to take either one side or the other, and say they all ought to be on the free list or that they ought to have some rate of duty imposed on them, and then the question would be only what rate of duty should be imposed.

Mr. UNDERWOOD. Mr. President, I am listening with very great interest to the Senator, but I can not follow his argument. He admits that the 15 per cent rate of duty under the present law practically allows no importations, and the Government gets no revenue from it, practically speaking. Then, because that happens under a 15 per cent rate, the Senator justifies increasing that rate to 25 per cent on the ground that there probably will be about the same amount of importations.

I want to say to the Senator, so far as my interest in the present law and my responsibilities for it are concerned, I made some mistakes, as every other man who has ever attempted to draft a tariff bill has made them, but I have always been willing to admit my mistakes. I said the other night that in writing the present law my effort was not to be radical, and I am sure I can say the same of the Senator from North Carolina [Mr. SIMMONS]. We were trying to be conservative in our reductions and we did greatly reduce the rates under the former Republican law in this schedule, but it is evident we did not reduce them enough, that we did not produce any competition. We practically produced no revenue, and if we had the writing of that bill again this rate on wire and wire rope would undoubtedly be reduced. The fact that it is exclusive under the 15 per cent rate the Senator takes as justification for making the rate 25 per cent. I must say I can not follow him in that line of reasoning.

Mr. McCUMBER. Perhaps the Senator can follow me in this line of reasoning. I can understand my own proposition and the reasons for it, and to me it is clear.

If there is a certain kind of wire coming in which is used to make a certain kind of rope, which is considered of greater value than any other kind produced in the United States, it would probably be sold if it carried a 10 per cent higher duty than that which was fixed in the Underwood tariff law. I think I can understand that, even though the Senator is not able to follow me, as he says, along that line of reasoning. But let us take the matter we just had under consideration—insulated wire. In 1913 we imported only \$4,448 worth. The Senator had those figures before him when he fixed his rate of 15 per cent ad valorem. It was a small amount, and I might reasonably ask him why he put a 15 per cent ad valorem rate upon an article the importations of which even then amounted to only \$4,448.

Mr. UNDERWOOD. I can tell the Senator very readily, if he wants the information.

Mr. McCUMBER. I would be glad to have it.

Mr. UNDERWOOD. The rate under the Republican law, which was on the statute books at the time the present law was written, was 40 per cent, and we reduced it to 15 per cent, believing that a reduction from 40 per cent to 15 per cent would produce some competition and some revenue. We reduced it to a third of the existing rate, but nine years' time has run by and it has been demonstrated that reducing the rate from 40 to 15 per cent did not bring in any importations, and therefore we ought to have reduced it to a lower figure. That is the reason.

Mr. McCUMBER. Let me follow the Senator's reasoning right along down to 1921, when the importations increased to

the value of \$193,864. If, therefore, the Senator finds that they are enormously increasing, at least in percentage, over what they were when the Underwood tariff law was enacted, then we should increase the rate, because we would get more revenue; and it has increased to this amount very rapidly within the last year.

Mr. UNDERWOOD. But the increase amounts to nothing when considered in comparison with the great number of industries, as the Senator knows.

Mr. McCUMBER. That is true; but we have many an article on this list out of which we would not get \$50,000. We will get \$50,000 out of this, and we will need a great many sums of \$50,000 to meet the appropriations which are to be made for next year. I think we are justified in raising the rate, and this amendment raises it only a small amount. I think we are justified in raising the rate 5 per cent ad valorem upon the rope which is produced.

Mr. UNDERWOOD. The Senator overlooks the fact that for the \$50,000 which he says we might get out of the imports on an industry which mounts way up into the many millions, he is enabling those who manufacture behind the tariff wall to make the American people pay ten, and it may be a hundred, times \$50,000.

Mr. McCUMBER. I have not assumed that there was a complete monopoly and that the American people are wholly in the hands of a monopoly. I believe there is competition in this line. Certainly there is some competition between the Missouri firm and the others here in the East which are manufacturing this rope, each one insisting that his is as good as the others', at least, and where there is that competition I do not think we need fear that it will cease the moment we put this added 5 per cent ad valorem on.

The Senator's reasoning is that 30 per cent ad valorem does not unjustly raise the price, but if we make it 35 per cent ad valorem, then we are adding 35 per cent to the cost of the entire product.

Mr. UNDERWOOD. No; the Senator can not put any reasoning of that kind into my mouth, because I repudiate it. I said that although it is claimed that in the present law the rates contained in the former Republican law were greatly reduced, it was evident that we had not reduced them enough, and that if we had the opportunity now we would greatly reduce the rates in the present law. The Senator can not put any reasoning in my mouth to the effect that I am justifying any rate in the present law, when conditions have proved that the rate is not justified, although it was an immense reduction from the rates of the former law.

So that is no argument to me. If I were rewriting the bill I would probably reduce the rate very much lower or I would put the item on the free list. But because the committee thinks that, although the committee makes a tremendous reduction, we did not reduce it enough nine years ago, is no justification for the Senator's present stand.

Mr. McCUMBER. Mr. President, I think we have argued this matter long enough. I believe it will stand the 5 per cent higher duty than that fixed under the Underwood Tariff Act.

Mr. GOODING. Mr. President, I would like to ask the Senator from Alabama if he feels now that the rates in the Underwood-Simmons law were too high at the time that law was enacted.

Mr. UNDERWOOD. I will answer the Senator in a moment as soon as I can get the floor. I will take the floor if the Senator has concluded.

Mr. GOODING. I am through.

Mr. UNDERWOOD. Some of the rates were not too high and some of them were too high. I think many of the rates were too high, although we put pig iron and ore and coal on the free list, and reduced the taxes that were levied by the Payne-Aldrich law, the Republican law that was then on the statute books. In many cases we cut the Payne-Aldrich rates in half, and many times we cut them more than that. I think on most of the iron and steel products we did not cut them enough. Of course, I did not expect to work out the problem all at one time. I am free to say if we had a Democratic Government instead of a Republican Government, and if I were writing that law, I should certainly advocate that the rates which were written in the present law in the iron and steel schedule, at least in regard to a great percentage of the items, should be greatly reduced. There is no question about that.

I am glad the Senator from Idaho asked the question, because it brings to my attention another paragraph in the bill just following the one under discussion, and I will call that to his attention. The Senator, being a consistent Republican, believing thoroughly in the doctrine of protection that prohibits, has supported, as far as I have observed, every item in the bill, every

amendment proposed by his party. Right down the line he has stood for them. The Senator was advocating protection the other day for the farmers, justifying a protective tax of 20 cents a bushel on corn. Of course, it has never gone through my intellect how the farmer will get any benefit from that tax of 20 cents a bushel on corn when he ships corn all over the world and none comes in here.

But I would like to call the Senator's attention now to what the present law is doing. I have no doubt the Senator from Idaho will gladly support the next paragraph when the time comes to vote on it. That is paragraph 317, which reads as follows:

All galvanized wire not specially provided for, not larger than twenty one-hundredths and not smaller than eight one-hundredths of 1 inch in diameter, of the kind commonly used for fencing purposes, galvanized wire fencing composed of wires not larger than twenty one-hundredths and not smaller than eight one-hundredths of 1 inch in diameter; and all wire commonly used for baling hay or other commodities, one-half of 1 cent per pound.

That covers all the wire which was under the paragraph in the present law, except barbed wire. The committee very kindly left barbed wire on the free list. Everybody knows that barbed wire makes an immense roll. It is difficult to get it into a ship. The freight rates are intensely high and none comes in here even without any tariff on it. None could come in under any circumstances. The freight rates are high on this wire.

Under the present law, as the Democratic Party wrote it nine years ago, all of the items with reference to this wire were on the free list. We could not put the rates any lower. This is wire that the farmer uses. In return for the benefit that the Senator from Idaho is to give the farmer in putting a protective tariff tax on his corn, he is going to make the farmer pay one-half of 1 cent per pound on all the wire he uses.

Let us analyze this just for a moment, so that the Senator and I can understand it. I admire the Senator's consistency. He is rock-ribbed in his Republicanism and his protectionism, and I like to see a man stand for his own flag. But I want to draw the line so clearly that it shows the difference between the flags under which we stand.

Mr. GOODING. Mr. President, I want to pass the compliment right back to the Senator from Alabama. I am a Republican protectionist; he is a Democratic free trader. We understand one another very clearly and I like to discuss the principle of protection and free trade with the Senator from Alabama. He is always fair in his discussion, and always clear.

Mr. UNDERWOOD. I thank the Senator for his compliment, and I take no offense at his calling me a free trader. I do not believe in levying taxes on the American people except for revenue. I do believe in a revenue tariff at the customhouse, but only for the purpose of revenue.

I want to call the attention of the Senator to paragraph 317. There is no amendment in that paragraph, and we can not vote on it this afternoon. However, there will probably be a chance hereafter, and I want the Senator to think about it before he hands this burden to the American farmer in exchange for 20 cents a bushel on his corn.

The description of this paragraph in the Summary of Tariff Information reads as follows:

Wire provided for in this paragraph is that used for fencing purposes and for baling hay and other commodities. The fencing wire is limited to galvanized while the baling wire may or may not be galvanized.

Barbed wire is on the free list. This is the farmer's wire, on which he has no tax now. It is now coming in free. It has free competition from the markets of the world if any would come in.

As to production, I will refer only to one year. The production was large in 1914, and increased up to 1919. The production in 1919 amounted to 312,150 tons, of a value of \$30,527,000. The imports for the year 1919 amounted to 42 tons, valued at \$26,424. The imports amounted to less than one-tenth of 1 per cent when the product was on the free list. The production in this country amounted to 312,150 tons, which, converted into pounds, would amount to 699,216,000 pounds. With a tax of one-half of 1 cent a pound, it would increase the cost of this wire to the farmers of America to the extent of \$3,496,080.

We exported this same wire in 1919 to the amount of \$933,143, showing that with that wire on the free list, as against a production of 312,000 tons, only 42 tons were imported. Yet it is proposed in this paragraph to put on this wire, which is the farmers' wire, a tax of one-half of 1 cent per pound, and, I suppose, for the purpose of evening up what he has been given on corn—20 cents per bushel.

I see no reason for this tax. I see no reason why the committee should put it on. It is not protection that is needed. There can be no purpose in putting it on except to let the man who makes the wire raise the price. There is no revenue to

come from it, because at one-half of 1 cent per pound it would cost the people \$3,500,000, and the only revenue we got out of the item in one of the years of largest importations, and they never were large, was \$26,000.

I am not going to take the time of the Senate about the matter, but it is one of the items that I want my friend from Idaho, in his stalwart strength as a great protectionist in his party, to take to heart and see if he is going to add this tax to the farmers of America, even if he has been given a so-called protection of 20 cents a bushel on corn.

Mr. GOODING. Mr. President, I wish to say in reply to the statement of the Senator from Alabama that so far as the steel schedule is concerned, with the exception of wire and steel rails, there is a very great difference in the two schedules.

Mr. UNDERWOOD. If the Senator—

Mr. GOODING. Please wait until I get through.

Mr. UNDERWOOD. I want the Senator to prove that statement, because he can not justify it, in my opinion, under the provisions of the bill.

Mr. GOODING. When we take the increased cost of labor in this country, which is now 105 per cent higher than pre-war prices, and when we take the railroad rates into consideration, which are 53 per cent higher than the pre-war rates, even after the 10 per cent reduction was made in July, the Underwood rates on an average are higher than the rates proposed in the McCumber bill. Taking the whole bill through, one schedule with another, the rates are higher than the bill which we have under consideration, especially when we take into consideration the wages paid in Germany as compared with pre-war prices. That is all there is to it.

The question of protection is the laboring man's question. The labor is what enters largely into the cost of iron all the way through. Some place or other, in producing the iron ore, or the finished product in the factory, and all along the line, there is labor entering into it as an element. That is what it represents.

Here are some of the prices they are paying in Germany today as compared with what they paid prior to the war.

The average wages for bakers in 1913 in Germany were \$6.14 a week, and the wages paid on December 31, 1921, were \$2.52 per week. The average wage paid to brewery workers in 1913 was \$7.73 a week, while the average on December 31, 1921, was \$2.43 a week. The average wage paid to unskilled brewery workers in 1913 was \$5.68 a week and on December 31, 1921, it was \$2.39 a week. All down the list, Mr. President, we find that the workers in Germany to-day are being paid about one-third of the pre-war wage, while in this country the laborers are being paid wages 105 per cent higher.

In many of the schedules I do not think the rates in the pending bill are sufficiently high to protect us against German labor. Before the war half of all the labor in Germany was employed in getting ready for the Great War, building munitions for the war, building up a big army, building up a big navy. To-day they are all doing work in industrial plants. Germany can manufacture for the whole world along some lines, and unless we have protection to the extent of the difference in the cost of production in this country and in Germany, she will absorb a great many of our markets and there is no hope for us. There is no question about that.

I have a paper roll over in my office, brought to me by a Mr. Clark, that I am going to exhibit here in the near future. The paper mills to-day are sending their designs to Germany and having them made over there out of copper. It is all hand work; that is, the roll itself is of wood, but the work in making the design is all done by hand and of copper. There is an industry that is going to be destroyed. This bill gives it but 40 per cent protection. It can not continue to exist without 100 per cent protection. I am going to produce the figures; I am going to bring the roll here and show that the industry will be entirely lost to America unless it is given proper protection. If the Senator from Alabama [Mr. UNDERWOOD] will simply consider the question of labor in foreign countries and the increased cost of production in America, and will take the law which bears his name and compare it with the McCumber bill, he will find that on the average the rates imposed in the Underwood law are very much the higher of the two, so far as the manufacturer is concerned.

Mr. UNDERWOOD and Mr. ASHURST addressed the Chair. The PRESIDENT pro tempore. Does the Senator from Idaho yield and, if so, to whom?

Mr. UNDERWOOD. I will wait until the Senator from Idaho shall have concluded, as I wish to answer him.

Mr. GOODING. I yield to the Senator from Alabama.

Mr. UNDERWOOD. I do not wish to interrupt until the Senator shall have concluded his speech.



Mr. GOODING. I have no intention of making a speech, but I am interested in keeping the great principle of protection and free trade clearly defined, and I think the Senator from Alabama has done that splendidly.

There is not any question as to the relative position of the Republican and Democratic Parties to-day. The Senator from Alabama has gone further than to say that protection is unconstitutional; he has stated that, in his judgment, it is morally wrong. That is the issue that we are going to fight out in the coming campaign and not the question of rates. The Republicans can defend every rate in this bill, in my judgment, but it is the question of principle the American people must decide; whether we shall have free trade or protection.

The Senator from Alabama has told us when he undertook the revision of the Payne-Aldrich law that he found the duties imposed therein very high; that they were on stilts, and he put a jackscrew under them and commenced to let them down; but he says that in the Underwood law the duties were not made low enough, and if the Democrats could frame that bill over again they would have made the rates of duty even lower. That is the question which confronts the American people. I think the duties are too low in the Underwood law, and had it not been for the outbreak and duration of the World War, God only knows what might have happened to American industries.

I am glad to have the principle defined and the position of the Democratic Party stated by its great leader—I am more interested in that than I am in the question of rates—so that we may go before the American people and fight out the issue. If they want free trade, they may have it, and that is what the policy championed by the Senator from Alabama means, and is absolutely nothing else and nothing less than that.

Mr. UNDERWOOD. Mr. President, speaking personally and for nobody but myself, I am delighted to meet the issue proposed by the Senator from Idaho. The Senator first stated that I defined the proposition which he has presented as being immoral. Well, I do not say that every Republican bill is immoral, but I do say, and I have always believed, that the principle is immoral of using the power of the Government through the instrumentality of taxation to take dollars out of one man's pocket and put them into the pocket of another, and especially when that other may be a great monopoly. Many people may not agree with me, but I regard that proposition not as the immorality that sends a man to jail or the immorality that makes him a leper among his fellow men, but it is that immorality that stamps the mark of greed upon his conscience; it is that immorality that puts into men's souls the desire to grind down other men for their own advantage.

Mr. GOODING. Mr. President, I agree with the Senator from Alabama absolutely, that any tariff bill which makes the rich man richer and the poor man poorer would be a crime and is a crime. Any tariff bill that would give the American manufacturer a complete monopoly, in my opinion, is a mistake. The point I am making is that the pending bill only makes allowance for the honest difference between the cost of production between this country and foreign countries, and in many cases is not even that much, if the price of labor in America and the price of labor in foreign countries be fairly considered.

Furthermore, I want now to say to the Senator—and if he will investigate the facts he will find that I am correct, though he and I have disagreed about it before—that something like 30,000,000 American people who are living in the great cities may be reached by water transportation from foreign countries, and may be clothed and also fed, if you please—I do not say that that is now being done, but it may be done—by our foreign competitors under freight rates very much cheaper than the farmers of America pay when they send their freight over the lines of railroads which are manned by the most expensive labor in the world and on which freight rates are of necessity high. That is the situation.

Mr. UNDERWOOD. Mr. President, the Senator from Idaho avoids the issue between us.

Mr. GOODING. No. In order that the Senator may not misunderstand me, I repeat that I agree with him thoroughly that any tariff bill that will make the rich richer and the poor poorer is a crime. No Republican advocates that.

Mr. UNDERWOOD. I am glad the Senator admits that much; but when he advocates exclusive rates, levied so as to protect the American production, he advocates a policy which enables the manufacturer to stand behind that protective wall and charge higher prices to the American people than he would charge if such rates did not exist. If that is not through Government instrumentality taking the money out of one man's pocket and putting it into another's, I do not know what it is.

The whole history of tariff legislation has demonstrated that many men have grown inordinately rich because their business had been protected by a tariff such as is now proposed.

I am glad, however, that the Senator from Idaho agrees with me that when that happens it is immoral; and it is bound to happen under legislation that prohibits imports. That is what I am pointing out right now. Of this very article which is under consideration there are no imports which can come in now, and the Committee on Finance have put the rate higher for that purpose.

Mr. GOODING. But the Senator from Alabama says that any protection is morally wrong and unconstitutional. The Senator belongs to the school which advocates that doctrine. That is the principle that we are going to discuss in the coming campaign, and which should be discussed here.

Mr. UNDERWOOD. The Senator from Idaho can not put me in the record wrong. I was one of the men who wrote the present law.

In collaboration with my associates I helped to levy taxes at the customhouse which would yield revenue for the Government, and I endeavored to levy those taxes in such a way that imports could come into this country at least to a reasonable degree and afford competition in order to hold down prices. I made some mistakes; awhile ago I admitted a mistake which was made in connection with the paragraph now under consideration. The rate was reduced from 40 per cent in the old law to 15 per cent, hoping to abolish a prohibitive rate and reduce the tax to a point where it would be a revenue rate and allow some competition to come in, but I did not make the rate low enough. I intended to do it, and yet those in charge of this bill now are turning around and putting the rate at 35 per cent. Although the Senator from Idaho winds up his statement by saying that the rates in the present law, which he calls the Underwood law, are too low and says that I would lower them still further, yet in the beginning of his speech he said on account of the difference in prices and labor costs between this country and foreign countries the duties in the present law, the so-called Underwood law, at the time it was framed were higher than they will be under the McCumber bill.

Mr. GOODING. That is according to the cost of production.

Mr. UNDERWOOD. The respective scales of wages are going to apply equally, whatever they may be, under both bills; these bills are not going to change the scale of wages. There is going to be the same scale of wages under the McCumber bill that there is under the present law. Under the present law the bill which was prepared when I was chairman of the committee in the House and the distinguished Senator from North Carolina [Mr. SIMMONS] was chairman of the committee in the Senate, under our joint efforts the wages, as the Senator knows, have not decreased, and yet if the Senator will take the items of this bill in almost every case he will find there is an increase over the present rates, and in many cases they are doubled, and some cases trebled, in the tax that is levied at the customhouse.

Mr. GOODING. Mr. President, the difference between the Senator and myself is that he is not willing to take the wage scale into consideration, where I believe it must be taken into consideration. I believe that there is an honest difference between the cost of production in this country and the cost of production in every other country on earth, and American standards can not be maintained without a protective tariff.

Mr. UNDERWOOD. The Senator asserts that.

Mr. GOODING. If the Senator desires to destroy the American standards, just let him reduce the rates below the level of protection, and there will be no question as to what will happen.

Mr. UNDERWOOD. The Senator asserts that, and he has asserted it many times. I have continually contended—

Mr. GOODING. That is an honest difference between the Senator from Alabama and myself.

Mr. UNDERWOOD. Certainly; but if the Senator will allow me to proceed—

Mr. GOODING. And there is not the least feeling about it, so far as I am concerned.

Mr. UNDERWOOD. None whatever; but I merely wish the Senator to let me proceed until I can explain to him this question of the difference in wage rates. I know the Senator thinks there is a great wage difference as to every item in this bill, and therefore the duty on every item should be increased and additional taxes levied on the American people. In some commodities there is a difference in the wage scales, but when it comes down to the iron and steel products the wages do not count. The difference in the cost of wages is infinitesimal, because they are machine-made articles. The real cost is in the investment in the machinery, in the organization of the plant.

In those items where there is a real difference in wage costs between the foreign articles and the American article in the iron and steel schedule the articles are left on the free list.

The man who delves in the coal mine or the man who delves in the iron mine must work with the brawn of his arms, and in such industries a cheaper wage may be registered in production. The Senator may say that I assisted in putting coal and iron ore on the free list when I supported the present law, and that the present law carries them on the free list; but now the Republicans come along and leave that class of labor on the free list. When, however, it comes to the pig-iron furnace, with its automatic hoists where the work is all practically done by machinery, where the difference in cost between this country and abroad does not amount to 50 cents a ton, it is proposed to put a tax of \$1.25 a ton on the product. In the case of the wire products which we have been discussing, they are largely the result of machinery with only a few men here and there to guide the wire as it comes through the machine rolls; it actually comes out of the billets, is rolled into wire, and is wound up by machinery, with only a few guards here and there to direct its course, so that the labor cost is infinitesimal, and the increased efficiency of our American mills and their machinery more than wipes out any difference in labor costs; it amounts to nothing; and yet on the pretense of helping labor it is proposed to take these articles off the free list and impose on them a tax of one-half cent a pound.

That tax is put there for something or for nothing. In the best year it produced only \$26,000. If it registered on the product, it would amount to \$3,500,000. I can not see any reason why you put it here if it was not that you intended that the farmers of America should pay it, and they certainly are not going to pay it to the Government. It is to be paid to the manufacturers of this class of wire, who prospered as they never prospered before under a law that carried this product on the free list, and I say that is typical of all articles of this kind in the iron and steel schedule, and there are other schedules that we will come to before we finish this bill. The clothes that go on the farmer's back, the tools of his industry, he has to pay for under this idea of levying a protective tariff, and in return you give him a tax of 20 cents a bushel on corn.

Mr. McCUMBER. Mr. President, the committee is having its daily sessions. Of course, it can not have very long ones before 11 o'clock in the morning. It undoubtedly will from time to time make modifications even in its own amendments. Possibly some rates will be raised, probably more lowered. Undoubtedly when we get through with the committee amendments we will take up other amendments which we may suggest from time to time. The only point I desire to make now is that I wish we could hold to these amendments, at least, and dispose of those; and when we come to the bill in general, then amendments will be offered, some possibly by the committee, many more undoubtedly by those who oppose the measure, and then we will argue over again the same questions that we are now discussing.

I only pause long enough to say this with reference to the general observation made by the Senator from Alabama.

It is true that conditions have not become so normal that we are receiving the imports from foreign countries that we may reasonably expect in the future, and we have to take that into consideration; and if we take our principal competitor and find that the wages of labor have gone down to practically one-third of what they were in 1914, while in this country they have gone up to 100 per cent higher, or twice as much as they were before, we can see then that that would spread the difference six times; and if we say that in 1914 American labor was \$3 a day and German labor was \$1 a day, that would be a difference of \$2, or twice as much, and that would be multiplied to six times as much to-day.

Mr. UNDERWOOD. Now, if the Senator will pardon me—

Mr. McCUMBER. Just a moment. If there is that much difference, and it is liable to remain very nearly that, we will have to take that into consideration in fixing rates of duty which we think will be reasonably protective when conditions become more normal, and our competitor is producing as much as he can produce, and is entering our field for the profit.

Mr. UNDERWOOD. Now, if the Senator will allow me just one minute, that is a beautiful theory that he has advanced.

Mr. McCUMBER. Oh, I am not making that the sole difference by any means.

Mr. UNDERWOOD. If the Senator will allow me there, though he is advancing a beautiful theory—

Mr. McCUMBER. It is not beautiful; it is an ugly theory.

Mr. UNDERWOOD. But there is no justification in the fact. I know this business, and I know that although the wages went

up in war times they are coming back now, and have nearly reached the level that they were before the war.

Mr. McCUMBER. In the foreign countries?

Mr. UNDERWOOD. In this country. There has been a downward trend of wages every hour since the war came on, and they are approximating now what they were before the war. On the other hand, the wages in foreign countries like Germany, where they went to the bottom, are advancing, as the reports show, every day. If the Senator has been reading recent trade journals he knows, as I know, that the general trend of wages in Germany has greatly increased, the cost of living there is increasing, and the cost to American tourists is going up there. The papers have been full of it, and so the fact is just exactly the reverse of what the Senator bases his argument on. Of course the Senator and I could never agree on a tariff bill, because we differ so much in principle.

Mr. McCUMBER. No; but we ought to agree upon the facts and the figures.

Mr. UNDERWOOD. There is no question about the facts, because I know. I know in the furnace business that we shut down for a year, and I know that until there was a readjustment of wages we could not operate at all, and that now we are coming back, and I know that in this industry the wages have gone back down, down, and I know, on the other hand, if you can believe the trade journals, that the wages in Germany are going up, up from what they were a year ago, when the Senator says there were some importations coming in here, but I want to say this:

The Senator intimates that there is no use in our discussing these problems, because his committee may lower the rates. I am glad to know that; but, of course, all I can debate and all I can consider is what you present to the Senate now. You may come in here with amendments and cut down these unjustifiable rates. I hope you will. I hope the light is dawning on the other side of the Chamber; but, until it does dawn, I am justified in criticizing the bill as you present it to the Senate.

Mr. McCUMBER. Mr. President, I say that at least the Senator and I ought to agree upon well-established facts. It seems that we do not agree upon the wage scale of our competitors as compared with our own. I do not think the wages have gone down in Germany; I agree that the wages have gone up as measured by the mark; but the mark has gone down, and measured in American dollars wages have not increased to any material extent. The mark has gone down and gone down enormously. I do not know whether it has struck the bottom yet or not. It has gone so low that there is only one way out of it, and that is repudiation finally, and undoubtedly that will be the result.

Mr. GOODING. Mr. President—

Mr. McCUMBER. Just a moment. In our own country the skilled labor is more than 105 per cent higher than it was before the war. The highest skilled labor is more than 175 per cent higher than it was before the war. I can not speak for the Senator's particular mills down there. He may be getting down close to a pre-war basis, and when I speak of the skilled labor I am speaking of it in general, and I will admit that possibly labor constitutes a less proportion of the cost of production in the iron and steel industry than in any other industry. Still it is important when there is that immense spread between them.

Mr. GOODING. If the Senator will permit me—

Mr. UNDERWOOD. If the Senator will just let me answer the question—

The PRESIDENT pro tempore. To whom does the Senator yield?

Mr. McCUMBER. I will yield first to the Senator from Alabama, and then to the Senator from Idaho.

Mr. UNDERWOOD. If the Senator will allow me, of course, there may be one great skilled workman who handles a great piece of machinery whose wages have gone up; but if the Senator will take the comparison of the wage scale in the iron and steel industry he will find that just what I say is true, that in the aggregate—and that is what counts here; it is the aggregate, because it is the aggregate that makes up the cost of the material—it has been dropping ever since the war. I know that to be a fact, and you can take any trade journal and you will find that it is a fact.

Mr. McCUMBER. Does the Senator mean to tell me that it dropped in 1920?

Mr. UNDERWOOD. I say that it has been dropping ever since the war.

Mr. McCUMBER. Then from 1918 right down each year it has been lower? I think the Senator is mistaken. I think he



will find that the peak of high wages was reached in 1920, and not at the close of the war.

Mr. UNDERWOOD. For about 9 or 10 months after the war we continued to have abnormal times, and of course wages did not drop until after that time; but from the time that was reached wages in the iron and steel industry have been going down, and it is due to that adjustment that the plants have been able to go back to work. There is not any question about that.

Mr. McCUMBER. I yield now to the Senator from Idaho.

Mr. GOODING. Mr. President, my information in regard to the average wages in this country being 105 per cent above pre-war prices was secured from the Bureau of Labor Statistics on Monday morning of this week.

Mr. McCUMBER. But that is the average of all.

Mr. GOODING. That is the average increase.

Mr. McCUMBER. I say the skilled labor has not gone down in proportion to the unskilled labor.

Mr. HITCHCOCK. Mr. President, may I ask the Senator from North Dakota a question?

Mr. McCUMBER. Yes.

Mr. HITCHCOCK. Can the Senator give us figures showing what the cost of labor is in the manufacture of wire?

Mr. McCUMBER. Not the particular cost of labor; no. I know generally that the labor in the foreign country has decreased a certain percentage, while other labor has gone up a certain percentage. Therefore, if we are going on the protective theory we would have to have a greater protection, other things being equal, than we would have to have under a condition in which the wages more nearly approach each other.

Mr. HITCHCOCK. I am asking the Senator, in the manufacture of a thousand dollars' worth of wire in this country, what is the labor item cost?

Mr. McCUMBER. I can go back to the testimony, perhaps, and pick it out for the Senator, but I think that is almost a waste of time.

Mr. HITCHCOCK. I will say to the Senator that the census figures give exactly what the costs are.

Mr. McCUMBER. I will get them from the testimony, but I do not care about taking up the time now.

Mr. HITCHCOCK. Will the Senator permit me to read these figures to him?

Mr. McCUMBER. I will take one. The Senator has asked me a question, and I will take Mr. Campbell's testimony:

I have figured the cost on every product that we manufacture, from the ore mine and the coal mine and the limestone quarry, including transportation, to the finished product. I can give you the items. You take, for instance, barbed wire, which is one of the things that is on the free list. Galvanized barbed wire carries a labor cost from mine to the finished product alone of \$39.33, which is the highest labor cost, with one exception, of any product that we manufacture, and we manufacture a large line.

I have given it upon that alone. I do not care about running over all of the items, because we are drifting from the particular matter on which I want a vote.

Mr. HITCHCOCK. Mr. President, I want to be specific at this point. The official figures of the census for 1919 give the total expenditure for labor of the wire manufacturers at \$32,000,000. The total product which was made by the use of the \$32,000,000 spent for labor was \$162,000,000. So the labor amounted to 20 per cent. In spite of the fact that the labor cost in the manufacture of wire, as shown by the official figures of the American census, amounts to only 20 per cent, you are imposing a duty upon wire of 25 per cent, which would reimburse the manufacturer of wire, not for the difference in the cost of American labor and labor abroad, but would reimburse him for the total cost to him for labor, and 5 per cent besides.

Mr. McCUMBER. Mr. President, labor is not the only item in the cost to the manufacturer that has increased. The labor which produces the ore, the labor which produces the iron, the labor which produces the steel, the labor which produces the wire have all raised in the same percentage and necessarily increased to that extent the cost of the raw product.

But I want to call attention to the fact that it is now a quarter of 5 o'clock. Most Senators like to get away about 5 o'clock on Saturday evening, and last Saturday I consented to take a recess very much earlier than that; but we have practically done nothing to-day. We have had votes on only one or two items. I was greatly encouraged yesterday by the progress we made, and I hope we can get a few votes upon this matter before we recess to-day. I do not want to hold the Senate in session any longer than is necessary.

Mr. HITCHCOCK. Mr. President, I do not think the Senator will accuse me of delaying, but I want to call attention to one or two features of the history of the manufacture of insulated wire in the United States, which is exactly the item we are considering.

Under the Payne-Aldrich tariff law of 1909 the tariff tax levied upon this wire was 40 per cent, and when the Democratic majority amended that tariff it reduced it to 15 per cent, a very radical reduction. That reduction was met with the prediction that it was going to ruin the insulated-wire business in the United States. What are the cold facts?

In 1910 the total manufacture of insulated wire in the United States, was in round figures, \$51,000,000. One year after the passage of the Underwood-Simmons bill the production had increased to \$69,000,000 in the United States, notwithstanding the reduction of the tariff from 40 per cent down to 15 per cent. We have already heard this afternoon that in the nine years the Underwood-Simmons tariff law, with the 15 per cent duty on insulated wire, has been in effect the production in this country has increased from \$69,000,000 to \$130,000,000 a year. That ought to be pretty good proof, even to a high-tariff Republican, that this industry could exist and prosper and grow and develop under a 15 per cent tariff. But that is not all.

The figures as to the imports during that time are worth considering. We hear a great deal of talk about the difference in the cost of manufacture here and abroad, but "the proof of the pudding is in the eating." The proof of whether or not this wire can be manufactured abroad and sold in the United States to the destruction of the American industry, or to the injury of the American industry, under a 15 per cent tariff is to be found in the records of imports during the last nine years. What were they?

The first year following the passage of the Underwood-Simmons law, in which the reduction was made from 40 per cent to 15 per cent, the imports of this wire were \$31,000. That does not sound as though it was a great destruction. In 1915 the imports amounted to \$43,000. In 1916 they amounted to \$10,000. In 1917 they amounted to \$8,000. In 1918 they amounted to \$28,000. In 1919 they amounted to \$49,000. I have not the record of the imports for the year 1921, but they have not substantially increased. I think the Senator from North Carolina [Mr. SIMMONS] gave them as not very large.

Let us see what has happened to the exports. Have we an export trade in this product on which you are seeking to put a 35 per cent rate? We have. We are selling this product in competition with all the world. In 1918 we exported \$5,600,000 worth.

In 1919 we exported \$8,800,000 worth. In 1920 we exported \$7,600,000 worth. I have not the figures of the exports for 1921; but these figures show definitely and conclusively that we are able to manufacture this insulated wire and supply the American market with it, practically to the exclusion of competition, for the competition is negligible. The imports amount to less than \$400 a day and the exports amount to \$25,000 a day.

I bring the figures down to a daily record, because they are more striking than if I give the larger figures for the year. We are not only supplying the American market but we are exporting \$25,000 worth of this product a day and importing the negligible quantity of \$400 worth a day.

Why put a 35 per cent tariff at this time on that article under those circumstances? We have the proof in the figures. We have the proof that we can manufacture in this country in competition with the world. We have the proof that we can actually manufacture and ship the product to other countries and compete with the world, yet you are proposing to increase the existing tariff from 15 per cent to 35 per cent.

What is this wire? In the first place, let me say that it is not a luxury, and you are not imposing a tariff for the purpose of getting revenue. You are imposing a tariff so as to give an opportunity to the American manufacturers, confined to a few great concerns, to raise the price.

What is this insulated wire commonly used for in the United States? We use it in every building that is built nowadays, practically. It is used in the construction. It is used in the wires which convey the electric current in response to the push buttons all over our buildings. It is used for the insulated electric-light wires in all our buildings. It is used for insulated telephone wires. Thousands of people in every city use it. It is used for every imaginable purpose, wherever wires are brought into use in a building. It is used in millions of our automobiles all the time, and you are attempting to impose a 35 per cent tax on it for the very obvious purpose of increasing the cost of it to the American people. You are doing that in the face of the fact that the present consumption is something like \$130,000,000 worth a year.

If there is any man who can defend the imposition of a tax like that on a necessary article, used by all classes, used in all buildings which are constructed from time to time, used in telephone and telegraph communication—if there is any man

who can justify such an increase when there is no danger from destructive competition, I wish he would state his reasons definitely.

Mr. SMOOT. Mr. President, on page 60, line 15, I move to strike out "40" and to insert in lieu thereof "35."

Mr. SIMMONS. Mr. President, my understanding is that the committee proposed 40 per cent, and now it moves to make the rate "35" instead of "40," and the vote is upon agreeing to that amendment to the amendment. Then we will vote upon agreeing to the amendment as amended.

Mr. SMOOT. That is correct.

The PRESIDENT pro tempore. The Secretary will state the amendment proposed by the Senator from Utah.

The ASSISTANT SECRETARY. On page 60, line 15, strike out "40" and insert in lieu thereof "35," so as to read:

telegraph, telephone, and other wires and cables composed of iron, steel, or other metal (except gold, silver, or platinum), covered with or composed in part of cotton, jute, silk, enamel, lacquer, rubber, paper, compound, or other material, with or without metal covering, 35 per cent ad valorem.

The PRESIDENT pro tempore. The question is upon agreeing to the amendment to the amendment.

The amendment to the amendment was agreed to.

The PRESIDING OFFICER. The question now recurs upon the amendment as amended.

Mr. SIMMONS. I ask for the yeas and nays.

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

Mr. ELKINS (when his name was called). I have a general pair with the junior Senator from Mississippi [Mr. HARRISON]. I transfer that pair to the junior Senator from Pennsylvania [Mr. PEPPER] and vote "yea."

Mr. ERNST (when his name was called). I transfer my pair with the senior Senator from Kentucky [Mr. STANLEY] to the senior Senator from Pennsylvania [Mr. Crow] and vote "yea."

Mr. FLETCHER (when his name was called). I have a general pair with the senior Senator from Delaware [Mr. BALL]. I transfer that pair to the Senator from Montana [Mr. MYERS] and vote "nay."

Mr. HALE (when his name was called). Making the same announcement as before, I vote "yea."

Mr. JONES of Washington (when his name was called). I have a pair for the day with the Senator from Virginia [Mr. SWANSON]. I transfer that pair to the Senator from New Hampshire [Mr. MOSES] and vote "yea."

Mr. WALSH of Montana (when his name was called). Transferring my pair as heretofore announced, I vote "nay."

Mr. WATSON of Georgia (when his name was called). Making the same announcement as before, I vote "nay."

Mr. WILLIAMS (when his name was called). I have a pair with the senior Senator from Indiana [Mr. WATSON]. Inasmuch as I have been unable to secure a transfer, I am not at liberty to vote. If I were at liberty to vote, I would vote "nay."

The roll call was concluded.

Mr. DILLINGHAM. Making the same announcement as before, I vote "yea."

Mr. SUTHERLAND. Transferring my pair with the senior Senator from Arkansas [Mr. ROBINSON] to the junior Senator from New Hampshire [Mr. KEYES], I vote "yea."

Mr. FLETCHER (after having voted in the negative). I notice that the Senator from Montana [Mr. MYERS] to whom I transferred my pair, has entered the Chamber. Being unable to obtain another transfer, I must withdraw my vote. If privileged to vote, I would vote "nay."

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

The junior Senator from Ohio [Mr. WILLIS] with the senior Senator from Ohio [Mr. POMERENE];

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

The Senator from Rhode Island [Mr. COLT] with the Senator from Florida [Mr. TRAMMELL].

The result was announced—yeas 32, nays 22, as follows:

## YEAS—32.

Brandegee	Hale	McKinley	Poindexter
Bursum	Harreld	McLean	Smoot
Curtis	Jones, Wash.	Nelson	Spencer
Dillingham	Kellogg	Newberry	Sterling
Elkins	Kendrick	Nicholson	Sutherland
Ernst	Ladd	Oddie	Townsend
France	Lodge	Pase	Wadsworth
Gooding	McCormick	Phipps	Warren

## NAYS—22.

Ashurst	Gerry	Myers	Smith
Broussard	Harris	Overman	Underwood
Capper	Heflin	Pittman	Walsh, Mont.
Caraway	Hitchcock	Ransdell	Watson, Ga.
Cummins	Jones, N. Mex.	Sheppard	
Dial	La Follette	Simmons	

## NOT VOTING—42.

Ball	Frelinghuysen	New	Stanfield
Borah	Glass	Norbeck	Stanley
Calder	Harrison	Norris	Swanson
Cameron	Johnson	Owen	Trammell
Colt	Keyes	Pepper	Walsh, Mass.
Crow	King	Pomerene	Watson, Ind.
Culberson	Lenroot	Rawson	Weller
du Pont	McCumber	Reed	Williams
Edge	McKellar	Robinson	Willis
Fernald	McNary	Shields	
Fletcher	Moses	Shortridge	

So the committee amendment as amended was agreed to.

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

The ASSISTANT SECRETARY. In paragraph 316, page 60, line 16, the committee proposes to strike out "30" and insert "40," so as to read:

Wire rope and wire strand, 40 per cent ad valorem.

Mr. SMOOT. I move to amend the committee amendment by striking out the numerals "40" and inserting in lieu thereof the numerals "35."

The PRESIDENT pro tempore. The question is upon agreeing to the amendment offered by the Senator from Utah to the amendment of the committee.

The amendment to the amendment was agreed to.

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

Mr. WALSH of Montana. Mr. President, before the vote is taken I desire to say just a few words in addition to what I have heretofore said. I call attention to the fact that wire rope is extensively used in the mining industry in this country. Every mine operated on any scale whatever must be supplied with an abundance of wire rope. If the mines are deep the quantity is something enormous.

Attention is called to the fact that the production in this country is stupendous, while the imports are practically negligible, and yet it is proposed to put upon wire rope, a necessity of the mining industry, now suffering a condition of depression that has hardly been known heretofore in the history of the country, a duty to the extent of 40 per cent ad valorem.

Let me give the Senate a few facts with reference to the matter. There is produced in this country wire rope to the extent of \$13,500,000. Let me add that it is, of course, used extensively also in the construction of ships, and we are all interested in relieving ship construction from any unnecessary burdens. It is also used in logging operations.

There was manufactured in this country in 1914, \$13,500,000 worth of this product, and the production continues to increase. Now let me call attention to the imports: In 1909 the imports amounted to \$67,057; in 1913, \$109,000; in 1916, \$48,000; in 1917, \$38,000; in 1918, \$24,383; and in 1919, \$20,064.

Not only is our production enormous and our imports are altogether negligible, but we export this commodity in great quantities. I read from information furnished us by the Tariff Commission on this subject, as follows:

The manufacture of wire rope falls under two classifications in the census—wire and wirework. In the former class are establishments which draw their own wire, whether from rods which they purchase or which they manufacture. In 1909 such establishments made 45,303 tons of iron and steel wire rope, valued at \$6,983,771. Establishments classed under wirework—i. e., which bought their wire—manufactured a product valued at \$5,406,923. The total production was thus valued at \$12,090,694.

In 1914 the wire mills produced 52,735 tons, valued at \$7,973,537, and establishments classed as wirework a product of \$5,462,786. The total value was thus \$13,436,323, an increase of 11 per cent over 1909.

It will be observed that the production continues, notwithstanding the reduction in the rates imposed by the present law.

Now I wish to read what is said about competitive conditions and tariff questions:

American conditions have turned the attention of the manufacturers to the production of a high-quality rope, which may be subjected to severe treatment, to an extent which has not been true of the British manufacturer or the German. The Hazard Manufacturing Co. said, respecting these countries:

"There are about 40 English and about 6 German rope manufacturers. Four or five of the English and none of the German are first class."

Here is a case in which we need not be frightened about the competition in Germany.

Mr. HARRIS. Mr. President, may we not have order in the Chamber? There is a great deal of confusion here.

The PRESIDENT pro tempore. The Senate will be in order, Mr. HARRIS. We are very anxious to hear what the Senator from Montana is saying in order that we may make rapid progress in the consideration of the bill.

Mr. PITTMAN. Mr. President, I think the Senator from Georgia is unkind. I do not think that the framers of the bill should be required to listen.



Mr. WALSH of Montana. I read further:

There are about 40 English and about 6 German rope manufacturers. Four or five of the English, and none of the German, are first class. For purpose of importation, only the English need be considered, as the German rope will probably not figure to any extent, due to the few factories there and their comparatively small size. Most English ropes are made of basic O. H. wire, which is cheaper than acid O. H. Cheap rope will work fairly well in England, where engineering practice is very conservative and where sheaves are large, speeds slow, loads moderate, acceleration low, and everything is in favor of the rope; whereas the usage over here has been the reverse, requiring an exceedingly high standard of rope to meet our exacting conditions. Quality of foreign rope has never been equal to the best American product, and it is well known to anyone who has dipped into the export trade that English and German "export quality" is far inferior to their own domestic grade and is simply "made to sell."

On the export market the American rope has a reputation for reliability superior to the British or the German. These markets lie in the regions where logging, mining, and construction are being carried on, as is often the case in new countries. Prior to the war the United States, Great Britain, and Germany were the chief competitors in these new fields, particularly in South America and Africa. In South America, Great Britain and Germany held the bulk of the trade. Of the imports of wire rope into Central America, 66 per cent comes from the United States; of that into Mexico, 80 per cent. The United States also exports into Canada in competition with Canadian and British rope over a 32½ per cent duty, while the British rope is dutiable at only 22½ per cent.

Mr. President, the distinguished Senator from Idaho [Mr. GOODING] earnestly declared here a few minutes ago that the contest in this Chamber at this time and before the country will be between the policy of protection on the one hand and free trade on the other. I respectfully differ. The wisdom of the policy of protection—even of high protection—may be conceded for the purpose of the argument; but how are you going to defend this particular rate?

Mr. President, it is perfectly well understood that the Republican Party is wedded to the policy of protection; this bill has met their approval and is a protective policy bill. The validity of it must be discussed upon that basis; that is, the basis upon which I am canvassing this rate. If the Senator from Idaho should go before the people in the next campaign, as he suggests, and canvass before them the question of the wisdom of the policy of protection as against free trade or tariff for revenue only, it is quite likely that some one in the audience would say, "Yes; I am a protective tariff man myself; but what do you say on the theory of protection, Senator GOODING, about this duty on wire rope, which is utilized so largely in your State by the miners there?"

Mr. GOODING. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Montana yield to the Senator from Idaho?

Mr. WALSH of Montana. I yield.

Mr. GOODING. So far as the question of protection is concerned, because wire rope is used in the mines, or by whom it is used, does not make any difference to me. I have been discussing the principle of protection to American labor; that was my thought all the way through.

I have discussed what the Senator from Alabama has had to say about the Underwood rates being too high, and his statement that had he been making the rates at the present time he would reduce them still more. That is what I was discussing. I insist that the difference between the two parties is one of free trade and protection and it can not be camouflaged in any way at all. The issue has been clearly brought here by the leader of the Democratic Party and we are going to meet the Democrats on that issue.

Mr. WALSH of Montana. The comments of the Senator of Idaho were made in response to an interrogation directed to him by the Senator from Alabama as to how he justified the particular tariff on galvanized wire, and he proceeded to argue the wisdom of protection as against free trade, and I am asking how, on the theory of protection, he justifies this particular rate upon wire rope. I resume reading from the Tariff Information Survey:

The war has brought about the substitution of domestic for foreign wire, which seems a permanent one.

Reference has been made, Mr. President, to the difference in the cost of wages in Germany and in this country. Of course, wages often constitute a very large element in the cost of the production of any article, but it does not by any means follow that a foreign country can compete with us in the production of every article because wages there are lower than in our country. Germany does not seem to be able to get into the wire-rope market at all, notwithstanding the low rate of wages in that country. She is a negligible factor in the matter of the manufacture of wire rope, and always has been.

Of course everybody knows that the country having the lowest wages has likewise the lowest efficiency of labor. I was in Haiti two years ago and I learned that the rate of wages there was 30 cents a day; but no one would undertake to con-

tend that Haiti can compete with this country in the production of anything except it be sugar; and it can not compete with Cuba in the production of sugar, where wages at the time of which I speak were \$2.50 a day, as against 30 cents a day in Haiti, and laborers were going from Haiti at the time by the hundreds to Cuba to work in the sugar fields. The argument that seems to be entirely conclusive and satisfactory to gentlemen upon the difference in the rate of wages here and in Germany is for the consumption of people who do not think on these matters.

The war has brought about the substitution of domestic for foreign wire, which seems a permanent one. The important consideration today is the sufficiency of the duty on the rope as against foreign rope rather than the height of the duty necessary to compensate for that on foreign wire.

Mr. President, there is not anything to be said in favor of this duty, and it ought not to be imposed upon industry of this country.

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

The PRESIDENT pro tempore. The question is on agreeing to the committee amendment as amended.

Mr. WALSH of Montana. I move to amend the committee amendment by substituting the numeral "15" for the numeral "40," and upon that I ask for the yeas and nays.

The PRESIDENT pro tempore. The Chair is in doubt with regard to the amendment proposed by the Senator from Montana being in order.

Mr. SMOOT. Mr. President, in order that the Senator from Montana may have a vote upon his amendment, I withdraw my amendment and allow the Senator to offer his amendment.

The PRESIDENT pro tempore. But the amendment proposed by the Senator from Utah has been agreed to.

Mr. UNDERWOOD. Why is there any doubt as to the amendment offered by the Senator from Montana being in order? The committee amendment has been amended; that is settled; but the committee amendment is still open for further amendment. It can not be held because one amendment is offered and has been agreed to that no other amendment may be proposed. An amendment in the third degree may not be offered, but as it now stands the committee amendment fixes a rate of 35 per cent. Of course, that is the committee amendment as it stands now, and that is subject to amendment.

The PRESIDENT pro tempore. The Senate has agreed to the amendment fixing the rate at 35 per cent.

Mr. UNDERWOOD. I understood that the question was on the committee amendment as amended, which proposes to fix the rate at 35 per cent.

The PRESIDENT pro tempore. That is the question.

Mr. UNDERWOOD. And that amendment is still open to amendment.

Mr. WALSH of Montana. If the Senator will pardon me, the committee proposes to amend the House provision by fixing the rate at 40 per cent; the Senator from Utah moved to amend the committee amendment by fixing it at 35 per cent.

Mr. SMOOT. And that has been agreed to.

Mr. WALSH of Montana. Wait a moment. Now, Mr. President, I would not be permitted to move to amend the amendment offered by the Senator from Utah because that would be in the third degree. Under those circumstances, I would not be permitted to submit any amendment at all; in other words, apparently the parliamentary situation is such that unless my motion is now in order we must take the figure offered by the Senator from Utah or take nothing. It does not seem to me that can be right.

The PRESIDENT pro tempore. It was within the power of the Senate to vote down the amendment of the Senator from Utah, but it did not do so; the Senate agreed to the amendment of the Senator from Utah to the committee amendment; and, while the Chair is willing to be advised in regard to the matter, it seems to the Chair that that vote will have to be reconsidered.

Mr. PITTMAN. Mr. President, a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator from Nevada will state his parliamentary inquiry.

Mr. PITTMAN. Has the committee amendment been adopted?

The PRESIDENT pro tempore. The committee amendment has not been adopted.

Mr. PITTMAN. How does the committee amendment now read? I will ask to have it stated by the Secretary.

The PRESIDENT pro tempore. The committee amendment has been amended.

Mr. PITTMAN. I asked whether the committee amendment had been adopted, and the Chair said it had not been adopted. I should like to have the committee amendment stated.

The PRESIDENT pro tempore. The committee amendment has not been adopted.

Mr. PITTMAN. I ask to have the committee amendment stated as it now stands.

The PRESIDENT pro tempore. The Secretary will state the amendment.

The READING CLERK. As agreed upon, in line 16, page 60, the committee amendment is to strike out "30" and insert "35."

Mr. PITTMAN. I ask the Chair to have the Secretary state the committee amendment as it now reads.

The PRESIDENT pro tempore. There is no committee amendment—

Mr. PITTMAN. The committee amendment, then, has not been voted on?

The PRESIDENT pro tempore. The Chair will state the situation as it is understood by the Chair. The House text provided for a duty of 30 per cent; the committee reported in favor of a duty of 40 per cent—

Mr. WALSH of Montana. Mr. President, if the Chair will pardon me, it occurs to me that under any circumstances this motion is in order, and I move to substitute for the committee amendment the numeral "15."

Mr. SMOOT. That presents the same situation.

Mr. PITTMAN. Let me conclude my parliamentary inquiry. I am listening to the Chair.

The PRESIDENT pro tempore. The Chair intended to answer the inquiry, but was interrupted by the Senator from Montana.

Mr. PITTMAN. I know, and I am awaiting the answer of the Chair.

The PRESIDENT pro tempore. The Senator from Utah moved to amend the proposed committee amendment by substituting "35 per cent" for the "40 per cent" rate proposed by the committee. Thereupon there was a vote, and the Senate agreed to the amendment proposed by the Senator from Utah to the committee amendment. That is the present parliamentary situation.

Mr. PITTMAN. May I ask that the Secretary be required to state the committee amendment as it read originally?

The READING CLERK. On page 60, line 16, strike out "30" and insert "40."

Mr. PITTMAN. Now, may I ask how the committee amendment reads at the present time?

The READING CLERK. Strike out "30" and insert "40."

Mr. PITTMAN. I am sure that the reading clerk is in error.

The PRESIDENT pro tempore. The Chair suggests that the proposed committee amendment has been disagreed to in substance.

Mr. PITTMAN. Mr. President, I have made a parliamentary inquiry. The reading clerk is evidently wrong under the statement of the Chair. I want to know what I am voting on; I want to know if I am voting now on a 40 per cent rate or a 35 per cent rate.

The PRESIDENT pro tempore. That would depend upon how the Chair rules upon the amendment of the Senator from Montana.

Mr. PITTMAN. The amendment of the Senator from Montana is to make the rate 15 per cent. The Senator from Utah has offered an amendment to make the rate 35 per cent instead of 40 per cent.

Mr. SMOOT. And that has been agreed to.

Mr. PITTMAN. That has been agreed to. Therefore does it not read now 35 per cent?

Mr. SMOOT. Certainly it does.

Mr. PITTMAN. The Clerk says it reads 40 per cent.

The PRESIDENT pro tempore. The Senate has agreed to the amendment proposed by the Senator from Utah that the duty shall be 35 per cent. That is the present situation.

Mr. PITTMAN. I do not understand which is right. Originally the Chair put the question, Will the Senate agree to the committee amendment, which provides for a rate of 40 per cent? Then the Senator from Utah arose, as he had a right to do, I assume, and offered an amendment to the committee amendment. His amendment to the committee amendment was adopted. Therefore is not the question now on the adoption of the committee amendment as amended?

Mr. McCUMBER. Yes.

The PRESIDENT pro tempore. The Chair has so stated more than once.

Mr. PITTMAN. Then, of course, it is the committee amendment as amended. Do we have to vote either "yea" or "nay" on that? Are we not at liberty—

The PRESIDENT pro tempore. The Chair does not know of any other way to vote except "yea" or "nay."

Mr. PITTMAN. Are we not at liberty to amend the committee amendment after it has been once amended?

The PRESIDENT pro tempore. The question is now, unless the amendment of the Senator from Montana is received—about which the Chair is in doubt—upon agreeing to the committee amendment as amended.

Mr. PITTMAN. That is true. Now, I propound this parliamentary inquiry: In agreeing to the committee amendment as amended are we limited to voting "yea" or "nay," or are we at liberty to amend the committee amendment as amended?

The PRESIDENT pro tempore. That is precisely the question presented by the amendment proposed by the Senator from Montana, and upon which the Chair has not yet ruled.

Mr. PITTMAN. I was simply asking for the ruling, Mr. President. That is the purpose for which I rose.

Mr. BRANDEGEE. Mr. President, before the Chair rules on the question I should like to say a word.

As the bill stands, the committee has recommended that the House text be amended. An amendment was proposed to the rate proposed by the Senate committee in their amendment, and that amendment proposed has been agreed to. It seems to me that simply substitutes by the action of the Senate a rate in place of the one recommended by the committee, so that the report of the committee stands according to the reduced rate to which the Senate agreed; and that seems to me to be open to further amendment.

Mr. SMOOT. I want to call the Senator's attention to the fact that it is not now a committee amendment; it is a Senate amendment, and it has been agreed to.

Mr. BRANDEGEE. It has not been agreed to by the Senate. The pending question is, Will the Senate agree to the committee amendment as amended?

Mr. SMOOT. As amended.

Mr. BRANDEGEE. When a committee amendment is amended by a vote of the Senate, it still stands as a committee recommendation, does it not, subject to amendment?

Mr. SMOOT. Up until the time the Senate voted on it; and then, when the Senate voted on it, it agreed to it. If it wants to vote that amendment down now, the Senate can vote it down, if it is not satisfied with the amendment.

Mr. BRANDEGEE. I know it can. The Senator may be right; of course, I do not speak ex cathedra about it; but if the Senator is right we are confronted with the proposition that if a Republican Senator who only wants to scale a very little the rate reported by the committee gets action on his amendment, no discussion can be had upon a further reduction.

Mr. McCUMBER. Allow me to suggest to the Senator from Connecticut one thing that the Senate has voted upon. It voted that it would fix the rate at 35 per cent. Now, it can not vote that it will fix it at something other than 35 per cent unless we reconsider the vote by which we fixed the rate at 35 per cent. Of course, it can amend that amendment in any other respect; but, having fixed the rate at 35 per cent by a vote of the Senate, we can not now change it and make it another rate without a reconsideration. But, Mr. President, if the Senator from Montana wants a vote upon his amendment, I will ask that the vote by which 35 per cent was agreed to may be reconsidered.

Mr. ASHURST. Mr. President, on that I wish to be heard.

Mr. McCUMBER. We can do that by unanimous consent.

Mr. ASHURST. No; there is a principle involved, and I do not want a precedent set that will always plague us.

The PRESIDENT pro tempore. Does the Senator from North Dakota yield to the Senator from Arizona?

Mr. ASHURST. I desire to be heard.

Mr. McCUMBER. I yield to the Senator.

Mr. ASHURST. Mr. President, this question runs to the vitals of this and every other bill.

The error into which esteemed Senators are falling is this: They recall that an amendment in the third degree is not in order. That is true; but after an amendment has been amended other amendments are in order. I would be petrified with painful surprise and astonishment if Senators who have presided over legislative bodies, for example, the Senator from Connecticut [Mr. BRANDEGEE] or the Senator from the State of New York [Mr. WADSWORTH], were to rise here and say that the one who got the floor first and secured the adoption of an amendment to an amendment would foreclose every other Senator from offering further amendments. The Senate should adjourn sine die if such a ruling as that could stand. Bear in mind that parliamentary rules are made for the minority and not the majority. One of the most learned men who ever sat in that chair, John J. Ingalls, a crisp, partisan, parliamentary officer, held over and over again that these rules are for the protection of the minority; that majorities can take care of themselves.



Mr. President, you are a man of considerable experience in public affairs, you are a strict party man—of that I make no complaint—but I believe you are a fair man, and I know that you do not want to stain the annals of the Senate with such a ridiculous decision, the effect of which would be to say that whoever jumped up first and secured the adoption of an amendment to an amendment precluded other Senators from further tendering amendments to the provision. Of course, an amendment to an amendment to an amendment would be in the third degree, but that is not the case here. The question simply is, May an amendment be offered to a provision that has once been amended? Since when did we adopt a rule which in effect would be to say that but one amendment can ever be made in the Senate to an amended proposal?

The parliamentary status, with perfect respect to you, Mr. President, is as follows:

The committee reported this bill with amendments, and a committee amendment occupies precisely the same status as does every other amendment. The committee amendment has no higher right, no other privilege, and no preference over any other amendment. By unanimous consent we permitted the committee amendments to be considered first, and that required unanimous consent. That is the only privilege the committee amendments possess, and that privilege was acquired by unanimous consent. So, when the question is on the committee amendment, the committee has the right, every Senator has the right, to perfect or to offer other amendments before the provision is finally adopted. The Senator from Utah [Mr. SMOOT] had the right—he exercised the right of offering an amendment. He offered an amendment to a pending amendment which we call by courtesy a committee amendment. Does that mean, sir, that every other Senator is denied the right to offer further amendments?

My learned friend from Massachusetts, the senior Senator from that State [Mr. LODGE], does me the honor to give his attention to what I now say, and if you should ask him, he would openly say, "Mr. President, the parliamentary rule is that an amended amendment is still open to further amendment." Ask the Senator from New York [Mr. WADSWORTH]. Ask the Senator from Connecticut [Mr. BRANDEGEE]. Ask any Senator who ever presided three hours over a legislative body, and he will tell you that no Senator by jumping up and securing the adoption of an amendment to an amendment can preclude other Senators from offering other amendments.

So, Mr. President, I object to the request made by my friend from North Dakota. This principle is too vital to be jockeyed away. Such a precedent if rigidly followed would strike down the very thing for which parliamentary rules are set up, namely, to give each a chance to perfect the bill, and you would spike the noblest battery that ever thundered in behalf of parliamentary law.

The amendment of the Senator from Montana [Mr. WALSH] is in order. It is not an amendment in the third degree. He is offering an amendment to the committee amendment, which has already been amended.

I have heard this fallacious doctrine or rule once before on the floor of the Senate, and I heard it from none other than the distinguished Senator from Utah [Mr. SMOOT], that, forsooth, because an amendment has been amended, it could be amended no further.

If that be true, then when the Senate adopted the amendment of the Senator from Utah [Mr. SMOOT], why should the Presiding Officer put the question again? One might sit at the feet of the Senator from Utah and learn wisdom in fiscal affairs or in statecraft; but the Senator from Utah can lead us into a deeper and more tangled wildwood than any man in this Chamber when it comes to parliamentary law, and I say this with great respect; and I know that if the Senator from Massachusetts be fair, he will say I am right.

Mr. LODGE obtained the floor.

Mr. SMOOT. Mr. President—

Mr. LODGE. Mr. President, I believe I have the floor.

The PRESIDENT pro tempore. The Senator from Massachusetts has been recognized.

Mr. LODGE. I think this discussion, on which I can restrain my feelings—

Mr. ASHURST. What did the Senator say?

Mr. LODGE. I say, on which I can restrain my feelings.

Mr. ASHURST. As on every other subject.

Mr. LODGE. I am not excited about it. I think this discussion arises from a slight confusion with a well-known principle of parliamentary law. If, for instance, we have a bill before us, and we move to strike out and insert, and that motion is lost, a motion to insert something else can be made; but when the body has once agreed upon a form of words by strik-

ing out and inserting—I take it that is the easiest example—then, at that stage, that form of words to which the body has agreed is not subject to amendment.

In this case the body has reached no final agreement on the form of words. It is still dealing with an amendment. If the body had agreed to 35 per cent, it would not be open to amendment; but the body has not agreed to 35 per cent. It has only agreed to substitute it in preference to 40 per cent. The final vote is still ahead of us. The body has not finally agreed on 35 per cent; and therefore, this being an amendment, and no final agreement on the form of words having been reached, it seems to me that it is open to further amendment.

Mr. McCUMBER. Mr. President, may I ask the Senator whether it is open to an amendment now to strike out "35" and insert something else, after we have voted in "35"?

Mr. LODGE. Yes; entirely.

Mr. McCUMBER. Then we can keep on voting as long as we please on a question of a mere figure.

Mr. LODGE. That is perfectly true. The fact that it is a mere figure does not alter the fact as to the form of words.

Mr. WADSWORTH. Mr. President, does the Senator from North Dakota contend that we have voted in "35"?

Mr. McCUMBER. No; we have not. We have voted "35" into the committee amendment. We have not adopted the committee amendment.

Mr. LODGE. No; exactly.

Mr. McCUMBER. Now, we can vote the committee amendment up or down; but we have voted in favor of "35," and we can not now change the "35" to "25" or "15" or anything else unless we vote down the committee amendment.

Mr. WADSWORTH. I can not agree with the Senator.

The PRESIDENT pro tempore. The Chair is in very grave doubt with regard to the matter, and desires to say one word only before making a ruling.

If the amendment of the Senator from Montana is received and voted upon, assume that it is adopted. Then another Senator can again move that the rate be made 35 per cent, and that is adopted, and so on, ad infinitum; and it seemed to the Chair that it presented an almost impossible parliamentary situation. In view, however, of the difference of opinion which has developed with regard to the matter, the Chair will hold that the amendment proposed by the Senator from Montana is in order, and the question is upon agreeing to the amendment of the Senator from Montana to the amendment of the committee as amended.

Mr. WALSH of Montana called for the yeas and nays, and they were ordered.

The reading clerk proceeded to call the roll.

Mr. DILLINGHAM (when his name was called). Making the same announcement as before, I vote "nay."

Mr. HALE (when his name was called). Making the same announcement as before, I vote "nay."

Mr. McKINLEY (when his name was called). I transfer my pair with the junior Senator from Arkansas [Mr. CARAWAY] to the junior Senator from Pennsylvania [Mr. PEPPER] and vote "nay."

Mr. SUTHERLAND (when his name was called). I transfer my pair with the senior Senator from Arkansas [Mr. ROBINSON] to the junior Senator from New Hampshire [Mr. KEYES] and vote "nay."

Mr. WALSH of Montana (when his name was called). Transferring my pair as on the previous vote, I vote "yea."

Mr. WILLIAMS (when his name was called). I transfer my pair with the Senator from Indiana [Mr. WATSON] to the Senator from Massachusetts [Mr. WALSH] and vote "yea."

The roll call was concluded.

Mr. JONES of Washington (after having voted in the negative). I understand the senior Senator from Virginia [Mr. SWANSON] has not voted. I am paired with that Senator for the day. I transfer that pair to the Senator from New Hampshire [Mr. MOSES] and allow my vote to stand.

The PRESIDENT pro tempore. Before the result of the vote is announced, the Chair desires to say that it had no opportunity to examine the precedents upon the question raised by the amendment just voted upon. Having examined the precedents, the Chair desires to say that its ruling must not be taken as a precedent, because the rulings have been the other way.

Mr. McCUMBER. When the vote is announced, I shall make a parliamentary inquiry, but I want to have the vote announced.

The result was announced—yeas 20, nays 30, as follows:

YEAS—20.

Ashurst	Heflin	Overman	Smith
Dial	Jones, N. Mex.	Pittman	Townsend
Gerry	Kendrick	Ransdell	Underwood
Harris	La Follette	Sheppard	Walsh, Mont.
Harrison	Nicholson	Simmons	Williams

## NAYS—30.

Brandeege	Gooding	McKinley	Smoot
Bursum	Hale	McLean	Spencer
Capper	Harrell	Nelson	Sterling
Cummins	Jones, Wash.	Newberry	Sutherland
Curtis	Kellogg	Oddie	Wadsworth
Dillingham	Lodge	Poindexter	Warren
Elkins	McCormick	Rawson	
France	McCumber	Shortridge	

## NOT VOTING—46.

Ball	Fernald	Moses	Shields
Borah	Fletcher	Myers	Stanfield
Broussard	Frelinghuysen	New	Stanley
Calder	Glass	Norbeck	Swanson
Cameron	Hitchcock	Norris	Trammell
Caraway	Johnson	Owen	Walsh, Mass.
Colt	Keyes	Page	Watson, Ga.
Crow	King	Pepper	Watson, Ind.
Culberson	Ladd	Phipps	Weller
du Pont	Lenroot	Pomerene	Willis
Edge	McKellar	Reed	
Ernst	McNary	Robinson	

So the amendment of Mr. WALSH of Montana to the committee amendment as amended was rejected.

Mr. McCUMBER. Mr. President, the Senate now having voted affirmatively to fix the rate at 35 per cent ad valorem, and then having voted negatively that it would not change that 35 per cent rate, I desire to make a parliamentary inquiry. Is it in order for me now to move to make the rate 40 per cent?

The PRESIDENT pro tempore. The Chair is of the opinion that such a motion would not be in order. The question now is upon agreeing to the committee amendment as amended.

Mr. PITTMAN. Mr. President, I wish to offer an amendment and get the ruling of the Chair. I move to strike out "35 per cent ad valorem" and to insert in lieu thereof "1 cent per 10,000 pounds."

Mr. McCUMBER. Mr. President, I make the point of order that the Senate having voted upon the rate, it can not vote again upon it. I understand that this is the same amendment—

Mr. PITTMAN. I am not dealing at all with the ad valorem rate. I am dealing with an entirely different method, which I ask to have substituted for the House rate. If it were on a 35 per cent or a 15 per cent rate, it would be a different question. I am now asking that the Senate, instead of substituting 35 per cent for the House provision, substitute a specific duty for it. Is there any way by which I can obtain a vote on that proposal?

Mr. McCUMBER. I make the point of order that the Senate having voted that the rate should be 35 per cent ad valorem, and then again having voted that it would not change that rate, it is not now in order to make another kind of a motion to change it.

The PRESIDENT pro tempore. The Chair sustains the point of order.

Mr. PITTMAN. Mr. President, from that ruling I respectfully appeal.

Mr. McCUMBER. I move to lay the appeal on the table.

The PRESIDENT pro tempore. The Senator from Nevada appeals from the ruling of the Chair, and the Senator from North Dakota moves—

Mr. McCUMBER. If there is to be no argument, I will withdraw my motion to lay the appeal on the table, and we can vote directly on it.

The PRESIDENT pro tempore. The question is, Shall the decision of the Chair stand as the judgment of the Senate?

Mr. PITTMAN. On that I ask for the yeas and nays.

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

Mr. DILLINGHAM (when his name was called). Making the same announcement as before, I vote "yea."

Mr. HALE (when his name was called). Making the same announcement as before, I vote "yea."

Mr. ERNST (when his name was called). Transferring my pair with the senior Senator from Kentucky [Mr. STANLEY] to the senior Senator from Pennsylvania [Mr. CROW], I vote "yea."

Mr. MCKINLEY (when his name was called). Transferring my pair with the junior Senator from Arkansas [Mr. CARAWAY] to the junior Senator from Pennsylvania [Mr. PEPPER], 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. WALSH of Montana (when his name was called). Transferring my pair as heretofore, I vote "nay."

Mr. WARREN (when his name was called). Transferring my pair with the junior Senator from North Carolina [Mr. OVERMAN] to the senior Senator from Colorado [Mr. PHIPPS], I vote "yea."

The roll call was concluded.

Mr. JONES of Washington. The senior Senator from Virginia [Mr. SWANSON] being absent, I withhold my vote. The roll call resulted—yeas 26, nays 17, as follows:

## YEAS—26.

Bursum	Gooding	McLean	Spencer
Capper	Hale	Newberry	Sterling
Curtis	Harrell	Nicholson	Sutherland
Dillingham	Kellogg	Oddie	Townsend
Elkins	McCormick	Poindexter	Warren
Ernst	McCumber	Rawson	
France	McKinley	Smoot	

## NAYS—17.

Ashurst	Harrison	Pittman	Wadsworth
Brandeege	Heffin	Ransdell	Walsh, Mont.
Dial	Jones, N. Mex.	Sheppard	
Gerry	La Follette	Simmons	
Harris	Lodge	Underwood	

## NOT VOTING—53.

Ball	Frelinghuysen	Nelson	Smith
Borah	Glass	New	Stanfield
Broussard	Hitchcock	Norbeck	Stanley
Calder	Johnson	Norris	Swanson
Cameron	Jones, Wash.	Overman	Trammell
Caraway	Kendrick	Owen	Walsh, Mass.
Colt	Keyes	Page	Watson, Ga.
Crow	King	Pepper	Watson, Ind.
Culberson	Ladd	Phipps	Weller
Cummins	Lenroot	Pomerene	Williams
du Pont	McKellar	Reed	Willis
Edge	McNary	Robinson	
Fernald	Moses	Shields	
Fletcher	Myers	Shortridge	

The PRESIDENT pro tempore. On this question the yeas are 26 and the nays are 17. Less than a quorum having voted, the Secretary will call the roll.

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

Ashurst	Gerry	McKinley	Shortridge
Borah	Hale	McLean	Simmons
Brandeege	Harrell	Newberry	Smith
Bursum	Harris	Nicholson	Smoot
Capper	Jones, N. Mex.	Oddie	Spencer
Cummins	Jones, Wash.	Phipps	Sterling
Curtis	Kellogg	Pittman	Sutherland
Dial	La Follette	Poindexter	Underwood
Dillingham	Lodge	Ransdell	Wadsworth
Ernst	McCormick	Rawson	Walsh, Mont.
France	McCumber	Sheppard	Warren

The PRESIDENT pro tempore. Forty-four Senators have answered to their names. There is not a quorum present. The Secretary will call the roll of absentees.

The reading clerk called the names of the absent Senators.

The PRESIDENT pro tempore. Forty-four Senators have answered to their names. There is not a quorum present.

Mr. McCUMBER. I move that the Sergeant at Arms be directed to procure the attendance of absent Senators.

The motion was agreed to.

The PRESIDENT pro tempore. The Sergeant at Arms will execute the order of the Senate.

Mr. WILLIAMS, Mr. ELKINS, Mr. NORBECK, Mr. HARRISON, and Mr. GOODING entered the Chamber and answered to their names.

The PRESIDENT pro tempore. Forty-nine Senators have answered to their names. There is a quorum present.

## RECESS.

Mr. McCUMBER. I move that the Senate take a recess in accordance with the unanimous-consent agreement previously entered into.

The motion was agreed to; and (at 6 o'clock and 12 minutes p. m.) the Senate, under the order previously entered, took a recess until Monday, May 29, 1922, at 11 o'clock a. m.

## HOUSE OF REPRESENTATIVES.

SATURDAY, May 27, 1922.

The House met at 12 o'clock noon.

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

Look down upon us our heavenly Father while we breathe the chant of immortal love, saying: Holy, holy, holy, Lord God Almighty. O inspire us by Thy nature that we may with confidence repose our trust in Thee. Help us to be constantly mindful that the basis of all worthy achievement is in unswerving fidelity to the accepted sanctities of public and private life. Remember the avenues of our country through which we are endeavoring to spread the knowledge of the truth and the spirit of good will. Bless our households and all their consecrated loves and hopes. Through Jesus Christ our Lord. Amen.

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



## MESSAGE FROM THE SENATE.

A message from the Senate by Mr. Craven, its Chief Clerk, announced that the Senate had agreed to the amendments of the House of Representatives to the amendments of the Senate numbered 32, 60, and 61 to the bill (H. R. 9859) making appropriations for the Post Office Department for the fiscal year ending June 30, 1923, and for other purposes; that the Senate had disagreed to the amendment of the House of Representatives to the amendment of the Senate numbered 58 to said bill; that the Senate further insisted upon its amendments numbered 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, and 17 to said bill, had asked a further conference with the House of Representatives on the disagreeing votes of the two Houses thereon, and had appointed Mr. TOWNSEND, Mr. STERLING, Mr. MOSES, Mr. WALSH of Massachusetts, and Mr. BROUSSARD as conferees on the part of the Senate.

## SPEAKER PRO TEMPORE FOR SUNDAY.

The SPEAKER. The Chair will designate the gentleman from Virginia [Mr. MONTAGUE] to act as Speaker pro tempore at the exercises to-morrow.

## DEDICATION OF LINCOLN MEMORIAL.

The SPEAKER. The Chair has been requested to state for the information of the House something in relation to the Lincoln memorial services on Tuesday. An invitation was sent to each Member. The Chair is informed that some Members have misunderstood the invitation. The tickets requested by Members have been sent to them. Only the Representatives themselves can use the tickets indorsed in red "For Representative," for the Members are expected to be seated in a body by themselves. A representative of the Sergeant at Arms' office will be there to identify Members. Each Member has two tickets for his family, and then he has four others for friends, which are also for exceedingly good seats. Members who have not already received tickets can now procure them by applying at the Sergeant at Arms' office. The Members are requested to meet at the circle at the foot of Twenty-third Street, near the monument, at 2.20 p. m. Parking space for automobiles is arranged there.

## EXTENSION OF REMARKS.

Mr. JOHNSON of South Dakota. Mr. Speaker, I make the point that no quorum is present.

Mr. VOLSTEAD. Will not the gentleman withhold that for a moment?

Mr. JOHNSON of South Dakota. I will.

Mr. VOLSTEAD. Mr. Speaker, I ask unanimous consent to extend in the Record remarks I made on the bill H. R. 10159.

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

There was no objection.

## ALIEN PROPERTY CUSTODIAN.

Mr. WINSLOW. Mr. Speaker, on the 12th of May the President of the United States sent to the Congress a communication from the Alien Property Custodian, and it took the form of Senate Document 189, Sixty-seventh Congress. The Speaker pro tempore made reference of it to the Judiciary Committee of the House. It seems after consideration that perhaps it was not properly referred. It should have gone to the Committee on Interstate and Foreign Commerce, to which committee has been referred right along all matters bearing on the department of the Alien Property Custodian. As chairman of the Interstate and Foreign Commerce Committee I have consulted the gentleman from Minnesota [Mr. VOLSTEAD], chairman of the Judiciary Committee, in respect of the motion which I propose to make for the rereference, and he concurs and approves. I have also consulted the Speaker pro tempore, the gentleman from Massachusetts [Mr. WALSH], and he has authorized me to say, in his absence, that he also concurs and approves. So if no one desires to say anything on my proposed request, I will make that motion.

Mr. GARNER. The gentleman should ask unanimous consent.

Mr. WINSLOW. Mr. Speaker, I ask unanimous consent that it be rereferred to the Committee on Interstate and Foreign Commerce.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent that the matter be rereferred from the Committee on the Judiciary to the Committee on Interstate and Foreign Commerce. Is there objection?

There was no objection.

Mr. WINSLOW. Mr. Speaker, Members are persistently inquiring of our committee and also of the Alien Property Custodian in respect of the various features connected with the administration of the custodian's office. It is a matter requiring a great deal of labor for the Alien Property Custodian to

make answer and many times he fails to convey the desired information to inquiring Members of the House and the Senate. I have the manuscript of a speech made by the Hon. Thomas W. Miller, Alien Property Custodian, on January 14, 1922, which covers nearly all the queries which he reports are commonly made of him. In order to relieve the work of the department and the Committee on Interstate and Foreign Commerce and to facilitate the office work of Members of the House, I ask unanimous consent to have published in the Record the document I have referred to. There is no politics in it; it is a businesslike statement in respect of the various queries which have been made from time to time in relation to the work of the custodian's department.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent to extend his remarks in the Record in the manner indicated. Is there objection?

Mr. MONTAGUE. Reserving the right to object, would the gentleman have it printed in small type?

Mr. WINSLOW. I think the usual term is 8-point type, and I include that in my request.

Mr. MONDELL. Will the gentleman yield?

Mr. WINSLOW. Yes.

Mr. MONDELL. Has the gentleman thought of the propriety of printing it as a House document?

Mr. GARNER. It ought to be made a House document.

Mr. MONDELL. Has it occurred to the gentleman that it would be more convenient for Members for reference?

Mr. WINSLOW. Yes; it is my idea that it would be much more convenient. It would save the Members a lot of writing.

Mr. MONDELL. Then each Member could have a copy and refer to it.

Mr. WINSLOW. It would also be of service to the Alien Property Custodian's Department, and if there is no objection, I accept that suggestion and make my request that it be printed as a House document.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent that the document referred to be printed as a House document. Is there objection?

Mr. CONNALLY of Texas. Mr. Speaker, reserving the right to object, I want to ask the gentleman from Massachusetts a question. Has the gentleman or any other person from his committee in view any legislation for the winding up of the business of the Alien Property Custodian and the return of alien property to those who may be entitled to receive it? When is the Alien Property Custodian's office to be demobilized, so to speak, and when are the questions involved to be settled?

Mr. WINSLOW. Mr. Speaker, if the gentleman from Texas will permit me to reply as an individual, I would say that as to the matter of thought being given to the subject of legislation along that line, I can assure him that there is altogether too much thought for the happiness of the chairman of the committee, but it does not seem to get anywhere definitely. The matter is being brought up by a thousand and one different people, who approach the general subject from many angles. That is about all the answer that I can give to the gentleman; and as to when it is going to be wound up, I would have to refer to some one better informed than I. I really do not know. We are trying to work out some plan which will be reasonably comprehensive and be in the nature, if possible, of blanket legislation covering as many points as possible, which are being contested. There are innumerable points of view, and each one seems to stumble up against some sharp edge somewhere.

Mr. CONNALLY of Texas. Do any of the plans now before the gentleman's committee or in the minds of the committee contemplate the satisfaction of American claims out of any of this property, or do they contemplate simply a return of the property to the original owners?

Mr. WINSLOW. I would not feel justified in answering that, not because there is any particular secret involved, but the matter is too chaotic for me to separate out that particular feature, although I think it is a pertinent inquiry.

Mr. CONNALLY of Texas. I saw in the press sometime ago a statement that the State Department was carrying on informal parleys with Germany with reference to arriving at a treaty later on which would adjust this alien property matter and the American claims in connection with it. Does the gentleman know anything about that?

Mr. WINSLOW. I have no official knowledge and no personal knowledge other than what I have read in the newspaper.

Mr. MOORE of Virginia. Mr. Speaker, will the gentleman yield?

Mr. WINSLOW. Yes.

Mr. MOORE of Virginia. I would like to call the gentleman's attention to an article which I read in this morning's New

York World, which discusses an important alien property transaction and apparently subjects it to pretty severe criticism. The correspondent finds occasion to refer to the ubiquitous Attorney General in that connection. I do not undertake to say what the merits of that particular transaction are, but there is certainly a prevalent opinion that Congress ought to legislate and not postpone the matter any longer.

Mr. WINSLOW. That seems to be a pretty general idea in respect to all legislation.

Mr. JOHNSON of South Dakota rose.

The SPEAKER. The gentleman from South Dakota.

Mr. JOHNSON of South Dakota. Reserving the right to object to the gentleman's request, does he not think there ought to be a rather real investigation made of the chemical foundation sale and the Bosch magneto matter, among other of these iniquitous transactions that occurred several years ago in the office of the Alien Property Custodian before the business of that office is wound up?

Mr. WINSLOW. Does the gentleman want me to answer the question or is he satisfied with having asked it? [Laughter.]

Mr. JOHNSON of South Dakota. I recognize the fact that the gentleman does not want to answer the question.

Mr. WINSLOW. The gentleman recognizes, as he does in many other respects, something that does not exist. I am very willing to answer if I am accorded the time and it is germane and the House desires me to do so, but if the House does not I do not propose to waste any time that might be properly given to something real.

Mr. JOHNSON of South Dakota. Then, Mr. Speaker, I ask unanimous consent that the gentleman be given 15 minutes in which to discuss the chemical foundation sale and the Bosch magneto sale.

Mr. CAMPBELL of Kansas. Mr. Speaker, I object.

Mr. MONDELL. Mr. Speaker, this is no time in which to discuss alleged frauds in a former administration.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts that the matter to which he refers be printed as a House document?

Mr. SABATH. Mr. Speaker, reserving the right to object, are there not some articles written or matters of opinion given out by the Attorney General in regard to the Alien Property Custodian, and would it not be wise also to embody them in this document?

Mr. WINSLOW. The gentleman is asking something I know nothing about. I would rather confine my request to the things of which I have some knowledge. This is merely a statement of conditions and facts which would help us in our correspondence. It is not an argument one way or the other, while the matter to which the gentleman referred, as he can see, might become a very long drawn-out matter.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts to print this document as a House document?

There was no objection.

#### EXTENSION OF REMARKS.

Mr. HUDDLESTON. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. Is there objection?

Mr. MONDELL. Upon what subject?

Mr. HUDDLESTON. Touching the services of my colleague, Judge Tyson, in Congress.

The SPEAKER. Is there objection?

There was no objection.

The extension of remarks referred to are here printed in full as follows:

Mr. HUDDLESTON. Mr. Speaker, under leave given me to extend my remarks I desire to publish a statement showing something of the services in Congress of my friend and colleague, Hon. JOHN R. TYSON, of Alabama.

#### ANSWERING SENATOR PENROSE.

1. The first matter of great moment, especially to the people of the South, in which Judge Tyson took part was to write an article showing that the bill introduced in the Legislature of Pennsylvania, fathered by the late Senator Penrose, of that State, attempting to require that equal privileges in hotels, cafés, restaurants, educational institutions, and amusement places be accorded to the Negro on equal terms with the whites, was unconstitutional, resulting in the defeat of the bill in the senate of that State after being passed by the house.

#### WORK ON CENSUS COMMITTEE.

2. As a member of the Census Committee of the House, Representative Tyson was appointed on a subcommittee of three, the other two members being Republicans, to make a report defining the jurisdiction of the committee with respect to a reduc-

tion of representation of the Southern States in the House because of an alleged denial to the Negro of the right to vote. The subcommittee reported, in substance, that the basis of representation in the House under the Constitution is that of population, and that a denial to the Negro of a right to vote under the fourteenth and fifteenth amendments to the Constitution could only be considered by Congress upon the introduction of a bill or resolution for an investigation having reference to a particular election in a specified State. The report was adopted unanimously by the committee.

3. As a member of the Census Committee he led the fight to a successful conclusion not to report a bill apportioning the number of Representatives in the House under the census taken in 1920, thus preventing a loss in representation in the House to Mississippi and Louisiana and defeating an increase in the Republican membership.

#### PEACE RESOLUTION.

4. He voted for and advocated on the floor of the House the adoption of the peace resolution declaring that peace exists between Germany, Austria-Hungary, and the United States. As noted in the Literary Digest, July 16, 1921, he contended "that cotton sales would be improved." In other words, he contended that upon the adoption of the resolution the markets in Germany and Austria-Hungary for cotton would, in a large measure, be reestablished, and this has come to pass.

#### TARIFF BILL.

5. He opposed and spoke against the Fordney tariff bill. In his speech he asserted, among other things, that it taxed practically every necessity of life and carried a tax of \$50 per ton on potash, a necessary ingredient of fertilizers, used by the farmers of Alabama, enhancing the cost of fertilizers, where potash is a component part, of at least \$10 per ton.

#### REVENUE BILL.

6. He voted against this bill because he regarded it as the most vicious piece of legislation ever offered to be enacted by any legislative body. He asserted that its manifest purpose is to relieve the wealthy individual and corporations as far as possible from taxation and impose it upon the less fortunate. In other words, roughly estimating, 75 per cent of the corporations of this country will have to pay an increased tax, while the remainder of them are accorded a substantial reduction. Individuals who have an income of \$66,000 per year or more will pay proportionately less income tax than the individual who has a lesser income. He advocated the repeal of the so-called nuisance taxes.

#### RAILROAD FUNDING BILL.

7. He opposed the passage of this bill because he believed and stated that it involved simply a scheme to permit the railroads of the country to filch the Treasury of the United States under the guise of a loan which would never be repaid and because of his opposition to a donation of the people's money. He insisted that on an accounting, instead of the Government being indebted to the railroad companies, the railroad companies, as the result of United States administration of them, are indebted to the Government \$300,000,000. Notwithstanding it was vehemently urged that unless the bill was passed at once—August 22, 1921—many of the railroads of the country would go into the hands of a receiver, and although the bill has not yet been passed by the Senate no important line of railroad has yet gone into the hands of a receiver. Their earnings are greater than they have ever been in the history of the country, in face of a gradual reduction in freight rates.

#### REFUNDING FOREIGN DEBT.

8. He voted against this bill because he entertained the view that it is the initial step leading to the final forgiving of all foreign debts, in order that the national bankers may collect some five billions of dollars due them by the foreign debtor countries.

#### ANTI-LYNCHING BILL.

9. This bill is the product of the demand of the northern Negro and seeks to punish sheriffs and other executive officers who fail or neglect to protect the life of any person put to death by a mob composed of three or more persons, and to impose a penalty on the county in which the death occurs of \$10,000, recoverable for the use of the family of the deceased, and also punishes those who participate in the mob violence. He voted against this bill and made one of the ablest speeches that was made against it, demonstrating its unconstitutionality. As noted in the Washington Star of May 24, 1922, Senator BORAH, a Republican, chairman of the subcommittee of the Judiciary Committee of the Senate, has joined with Senators OVERMAN and SHELDON, Democratic members of that committee, in agreeing with Representative TYSON that the bill is unconstitutional. These gentlemen compose a majority of the subcommittee.



## AUTHORIZING COOPERATIVE MARKETING OF FARM PRODUCTS.

10. He voted for this bill, which permits farmers of the country to organize cooperative associations and corporations, without paying in any capital, to market farm products, the purpose being to enable farmers to dispense with, if possible, the cost of their products being handled by the middleman and to facilitate their dealing directly with the consumer.

## IMMIGRATION.

11. He voted for the bill which restricts immigration into this country.

## SWEET BILL ESTABLISHING VETERANS' BUREAU.

12. He voted for this bill, which facilitates the adjusting of compensation and hospitalization of the disabled war veterans.

## BILL AMENDING FARM LOAN ACT.

13. He voted for the two bills which provide for additional credit to the owners of farm lands.

## GOOD ROADS BILL.

14. He voted for this bill, which provides aid for the States in the construction of rural post roads. It also contains a provision that any State desiring to avail itself of the benefits of the act may have three years after the adjournment of the first regular session of the State legislature from and after the approval of the act to provide State funds each year at least equal to the amount apportioned for such year by the Federal Government.

## AMENDING WAR FINANCE CORPORATION ACT.

15. He voted for the "bill to amend the War Finance Corporation act to provide relief for producers of and dealers in agricultural products." That act provides for loans and fixes the rate of interest to be charged for the money loaned. Loans may be made for agricultural purposes, including the breeding, raising, fattening, and marketing of live stock, as well as upon cotton, corn, oats, wheat, and like farm produce.

## APPROPRIATION FOR MILITARY AND NONMILITARY ACTIVITIES.

16. He voted for this bill, which increases the personnel and pay of the National Guard.

## TO AMEND FEDERAL RESERVE ACT.

17. This bill amended section 10 of the Federal reserve act by increasing the Federal Reserve Board to eight members and providing for a representative of agriculture on that board. He voted for this bill.

## MATERNITY BILL.

18. He voted for this bill, expressing the view that care of mothers and infants is more important to the Nation than that of animal life.

Men are what their mothers make them. (Emerson.)  
The future destiny of the child is always the work of the mother. (Napoleon.)

## ADJUSTED COMPENSATION FOR VETERANS OF WORLD WAR.

19. He voted for and was an advocate of the passage of this bill. Alabama furnished approximately 100,000 men in the military and naval forces in the World War. Under the bill the Alabama ex-service men will receive approximately \$20,000,000 which will be spent in that State, more than is contributed by the taxpayers of that State to the National Government. He abhors that the fate of the veterans of the World War should be as that expressed in the lines of Southern in "Loyal Brothers":

Dost thou not know the fate of soldiers?  
They're but ambition's tools, to cut a way  
To her unlawful ends; and when they're worn,  
Hack'd, hewn with constant service, thrown aside,  
To rust in peace and rot in hospitals.

## COMPENSATION, HOSPITALIZATION, AND VOCATIONAL TRAINING.

20. Representative Tyson has energetically and vigorously assisted several hundred disabled World War veterans in securing compensation, vocational training, and hospitalization.

## GOVERNMENT PUBLICATIONS.

21. He has mailed to his constituents many valuable Government publications.

## FORD'S OFFER FOR MUSCLE SHOALS.

22. Mr. Ford, on July 8, 1921, executed his proposal to the Government for the Muscle Shoals property, which was transmitted shortly thereafter to the Secretary of War. As soon as it was made public Representative Tyson became a strong advocate of its acceptance by Congress and has done as much as any Member of Congress to arouse public sentiment in favor of its acceptance. He says of the proposal:

An impetus and a quickening of interest in water-power development throughout the country is the result of the Ford offer for Muscle Shoals, which will be of incalculable value to the entire Nation. His offer has developed a realization of the enormous value of the Tennessee River for transportation and hydroelectric purposes. It has

pointed the way for cheaper fertilizer, cheaper transportation, and cheaper power for industrial enterprises. It has awakened in Congress an appreciation of the illimitable potentialities of the Tennessee River, of other undeveloped water powers, and of their inestimable value to the people of this country.

[From the Montgomery Advertiser, June 9, 1921.]

DEMOCRATS OF SOUTH WIN SIGNAL VICTORY—QUESTION OF REAPPORTIONMENT OF REPRESENTATIVES IN CONGRESS SETTLED FOR TIME BEING.

(Advertiser Bureau, Washington, D. C. By Jesse S. Cottrell.)

Southern Democrats on the Census Committee of the House have won a signal victory and settled during the life of this Congress the question of reapportionment of Representatives in Congress, which might have caused a reduction of the representation from the South. Led by Representative TINKHAM, of Massachusetts, and a small coterie of eastern Republicans, a movement has been gaining headway during the present Republican ascendancy to cut down the representation from the South in retaliation for the alleged denial of the votes of the negroes. Eastern negroes and their Republican advocates have insisted that all negroes in the South are not permitted to vote and that Congress should take cognizance of the fact. Various bills bearing on the question were invariably referred to the Committee on the Census. In this committee the question arose as to just how far the committee could go, which incidentally brought the activities of this committee into prominence in so far as it was handling these bills.

Led by Representative JOHN R. TYSON, of Alabama, a former chief justice of the supreme court of his State, and Representative J. E. RANKIN, of Mississippi, a movement was started in the committee for a decision to define the jurisdiction of the committee in handling reapportionment matters. Judge Tyson was the Democratic member of a subcommittee which has reported to the full committee. The entire committee has in turn gone on record adopting the subcommittee's report, to the effect that the clause of the fourteenth amendment to the Constitution providing for a reduction in representation on account of a denial of a right to vote at any election can only be brought before Congress by the introduction of a bill or resolution for an investigation with reference to a particular election in a specific State or States.

[From the Birmingham Age-Herald, Sunday, April 3, 1921.]

TYSON RAPS BOSS PENROSE, WHO, DIPPY TO HOLD VOTES, FIGURATIVELY KISSES NEGRO.

(By Washington bureau of the Age-Herald, 500 Davidson Building.)

WASHINGTON, April 2.—(Special).—At last there comes a man to Washington with sufficient temerity to beard the lion in his den.

As a result Senator Penrose, the Republican boss, whose procedure has been characterized by arrogance and contempt for conventional opinion, must reckon with Judge JOHN R. TYSON, of Montgomery, who, on April 11, will take the oath of office as a Representative from Alabama.

In a statement issued to-day Judge TYSON not only proves fallacious the legal argument of Senator Penrose that the Negro is entitled to public entertainment and education on a basis of equality with the white man but denounces as an absurdity the afterthought of the Senator that, despite his views, he does not believe in social equality.

## PENROSE EFFUSIVE.

Some days ago Senator Penrose, in most fulsome language, welcomed pompous Negro celebrities on the occasion of their visit to Washington. In the course of his speech he declared that the Negro must be accorded equal privileges in hotels, cafés, restaurants, educational institutions, and places of amusement, and that such rights must be sustained by legislation providing heavy penalties for their denial.

Judge TYSON points out that the Constitution does not require a proprietor to entertain anyone who would be offensive to his other guests, and adds that the Supreme Court of Pennsylvania has held on two grounds the justice of a company in providing separate street car compartments for the races, the two grounds being the right that the company had in its property and the public interests.

## TYSON TO G. O. P. BOSS.

Says Judge TYSON to Senator Penrose:

"To permit negroes to be educated at white schools would necessarily bring about social intermixture, resulting in amalgamation, which is contrary to the law of races. Social equality can not be established, enforced, or maintained by legislation.

"The statement that Senator Penrose does not stand for social equality in face of the fact that he advocates establishing conditions by penal statutes which would enforce the intermingling of races, bringing about a contact necessarily promotive of social associations, and, therefore, equality, is an absurdity."

Judge TYSON is a former chief justice of the Supreme Court of Alabama.

LETTER OF HON. JOSEPH W. BYRNS, OF TENNESSEE, RANKING DEMOCRAT ON HOUSE COMMITTEE ON APPROPRIATIONS.

WASHINGTON, D. C., January 18, 1922.

HON. JOHN R. TYSON, M. C.,

Washington, D. C.

MY DEAR JUDGE: I wish to express my appreciation of your great speech in opposition to the so-called Dyer antilynching bill which appears in to-day's CONGRESSIONAL RECORD. It is a magnificent constitutional argument—one of the very ablest of the many good speeches which were made in the course of the debate. In my judgment, you have clearly demonstrated the unconstitutionality of the measure, and for this lasting public service you are entitled to the thanks of your constituents and the entire country. There is no question but that if this unwise and improper measure should pass the Senate and become a law your speech will serve a great purpose in demonstrating its unconstitutionality in the courts of the country. May I say that, coming from the same section that you do, I have been highly gratified to hear similar comments from Members on both sides of the Chamber? You have more than justified your reputation as one of the great lawyers of this Congress.

With high personal regards, I am,  
Sincerely yours,

JOSEPH W. BYRNS.

LETTER OF HON. J. B. ASWELL, OF LOUISIANA, OF THE COMMITTEE ON AGRICULTURE.

WASHINGTON, D. C., March 25, 1922.

Hon. JOHN R. TYSON, M. C.,  
House of Representatives, Washington, D. C.

MY DEAR JUDGE: I am writing to express to you my very great appreciation of your work as a member of the Census Committee of the House of Representatives.

Having been for several years a member of that committee, I am personally familiar with the details of its work and with your forceful part in it.

At the beginning of this Congress I retired from that committee to become a member of the Committee on Agriculture, when you became a member of the Census Committee.

When the Republican leaders proposed a reapportionment bill, reducing representation in Congress from several of the Southern States, including Louisiana and Mississippi, you will recall that I appealed to you to oppose the measure. You promptly took the lead in the fight and became recognized as one of the real leaders of the committee in opposition to the proposed Republican measure. With your masterful skill, judgment, and courage, the fight was successful and the measure defeated.

You deserve very great credit for holding southern representation in the Congress as it now exists and in preventing the Republicans from increasing their membership in the House.

With very cordial good wishes, I am,

Sincerely yours,

J. B. ASWELL, M. C.

LETTER OF HON. CLAUDE KITCHIN, OF NORTH CAROLINA, DEMOCRATIC LEADER IN THE HOUSE OF REPRESENTATIVES.

SCOTLAND NECK, N. C., August 11, 1921.

Judge JOHN R. TYSON,  
House of Representatives, Washington, D. C.

MY DEAR JUDGE: I have just read your speech on the tariff and hasten to write you to congratulate you on its excellence. It is one of the best speeches I have read on the tariff and it does you great credit. I took much pleasure in reading it.

With assurances of my high regards and best wishes, I am,

Your friend sincerely,

CLAUDE KITCHIN.

Your thrust at MURPHY, of Ohio, was especially happy.

Mr. DENISON. Mr. Speaker, Mrs. Gen. John A. Logan has written a short story of the history and origin of Memorial Day. It is very interesting and full of information. There is no one living who can speak on this subject with more intimate and reliable knowledge of the facts than can Mrs. Logan. I think all of the Members of the House, as well as the rest of the country, ought to read it, and I ask unanimous consent for permission to extend my remarks in the RECORD by incorporating that article. Mrs. Logan is one of our country's greatest women and, aside from our interest in Memorial Day, I am sure we are all interested in anything she might wish to say.

The SPEAKER. The gentleman from Illinois asks unanimous consent to extend his remarks in the RECORD by printing an address by Mrs. Logan in respect to the origin of Memorial Day. Is there objection?

There was no objection.

The matter referred to is as follows:

HOW MEMORIAL DAY CAME TO BE—THIS STORY OF THE AMERICAN DECORATION DAY IS TOLD BY THE WIDOW OF THE MAN WHO ORIGINATED THE HOLIDAY.

(By Mrs. John A. Logan.)

To properly appreciate the establishment of Memorial Day readers should know about the organization of the Grand Army of the Republic. The comradeship and patriotic principles which prompted the organization of this, the greatest organization the world has ever known, inspired General Logan in writing the immortal order No. 11, when commander in chief of the Grand Army of the Republic. Without the Grand Army of the Republic there never would have been a Memorial Day or a medium through which it could have been established.

It gives me great pleasure to tell you the true story. These are the facts:

The late Col. Charles L. Wilson, editor of the Chicago Journal of that day, invited a party consisting of his niece, Miss Anna Wilson (later Mrs. Horatia May), Miss Farrar, his fiancé (all now dead), General Logan, and myself to visit the battle fields around Richmond in March, 1868. The importance of some measures then pending in Congress prevented General Logan, at the last moment, from going, but he insisted upon my going with these friends. We made a tour of every battle field, fortification, temporary barricade, and cemetery around the erstwhile Confederate capital, driving about in old tumble-down vehicles drawn by lean, jaded horses, driven by thinly clad, poorly fed men, who had survived the long siege of Richmond. We saw the colored men, women, and children digging out the lead and iron which had been shot into the fortifications, almost the only support of these wretched people. Visiting cemeteries and churchyards, we were deeply touched by the withered wreaths and tiny flags that marked the graves of the Confederate dead. In the bleak March wind and light-falling snow the desolation seemed most oppressive.

GENERAL LOGAN HEARS STORY.

Returning together to the old Willard Hotel, where we then lived, sitting in our parlor after dinner, we recounted to General Logan the incidents of the trip and how deeply touched we were by the devastation and ravishes of war. In the churchyard around an old historic church at Petersburg every foot of the ground seemed occupied by the graves of the Confederate dead. Upon them lay wreaths once beautiful flowers now crumbling, which had been placed there by loving hands. Little faded Confederate flags marked each grave, mute evidence of the devotion of the Southern people to their loved and lost. General Logan was much impressed by our description, saying, "The Greeks and Romans in the day of their glory were wont to honor their hero dead by chaplets of laurel and flowers, as well as in bronze and stone," and that as commander in chief of the Grand Army of the Republic and

Member of Congress from Illinois, which he then was, he would issue an order establishing Memorial Day, then called Decoration Day. He declared at the same time that he believed that he could secure the adoption of a joint resolution making it a national holiday and a national ceremony. He then took up a pencil and piece of paper and wrote the matchless order No. 11, and remarked he would submit it to his staff of the Grand Army of the Republic, then composed of Dr. W. T. Collins, assistant adjutant general; Bvt. Brig. Gen. N. P. Chipman, adjutant general; Capt. T. C. Campbell, quartermaster general; and Capt. Edward Jardine, inspector general. He read what he had written to Colonel Wilson, who expressed his appreciation of the order and predicted it would be received with great enthusiasm all over the country.

LOGAN'S STAFF AGREES.

The following evening, upon his invitation, his staff assembled in our rooms and he submitted the order to them. Without a dissenting voice they thought it would receive a ready response from all loyal hearts in the Union. He handed the order No. 11, Grand Army of the Republic, to Adjutant General Chipman to be issued at once from the headquarters of the Grand Army of the Republic. If Colonel Wilson made any notes or subsequently advocated the movement, they were all lost a few years later in the great conflagration which visited Chicago and reduced to ashes newspaper files, homes, and business establishments.

As far as I know, Bvt. Brig. Gen. N. P. Chipman and myself are the only living persons of all of those who had any knowledge of General Logan's authorship and conception of this immortal order, which, like an electric shock, awakened the latent gratitude in all loyal hearts toward the men who had laid down their lives that the Union might live.

I claim without fear of contradiction that I know the facts and that my memory is as dependable as that of any one else in all the world who had not the same interest which I had then and shall have as long as I live.

George Francis Dawson, now deceased, wrote the life of Maj. Gen. John A. Logan from all the records, notes, and memoranda of General Logan which were placed in his hands. The following is from Dawson's "Life of Logan":

"MEMORIAL OR DECORATION DAY.

"In January, 1868, General Logan's comrades of the Grand Army of the Republic elected him commander in chief of that order, and afterward honored him and themselves by twice reelecting him to that distinguished position. It was during his first incumbency that General Logan, as commander in chief of this military society issued the order—which he often afterwards, alluded to as 'the proudest act of my life'—setting apart the 30th of May as a day in memory of the dead soldiers who lost their lives to perpetuate this Union—a day on which to decorate their sacred graves and keep in mind their glorious deeds. This memorable order—which was issued to all the comrades of the 'Grand Army of the Republic' throughout the land—was in these inspiring words:

"HEADQUARTERS GRAND ARMY OF THE REPUBLIC,

"ADJUTANT GENERAL'S OFFICE,

"446 FOURTEENTH STREET, WASHINGTON, D. C., May 5, 1868.

"General Orders, No. 11.

"I. The 30th day of May, 1868, is designated for the purpose of strewing with flowers, or otherwise decorating, the graves of comrades who died in defense of their country during the late rebellion, and whose bodies now lie in almost every city, village, hamlet, and churchyard in the land. In this observance, no form of ceremony is prescribed, but posts and comrades will, in their own way, arrange such fitting services and testimonials of respect, as circumstances may permit.

"We are organized, comrades, as our regulations tell us, for the purpose among other things, 'of preserving and strengthening those kind and fraternal feelings which have bound together the soldiers, sailors, and marines, who united together to suppress the late rebellion.' What can aid more to assure this result than by cherishing tenderly the memory of our heroic dead, who made their breasts a barricade between our country and its foes. Their soldier lives were the revivification of freedom to a race in chains, and their deaths the tattoo of rebellious tyranny in arms. We should guard their graves with sacred vigilance. All that the consecrated wealth and taste of the Nation can add to their adornment and security, is but a fitting tribute to the memory of her slain defenders. Let no wanton foot tread rudely on such hallowed grounds. Let pleasant paths invite the coming and going of reverent visitors and fond mourners. Let no vandalism of avarice or neglect, no ravages of time, testify to the present or to the coming generations that we have forgotten, as a people, the cost of a free and undivided Republic.

"If other eyes grow dull and other hands slack and other hearts grow cold in the solemn trust, ours shall keep it well as long as the light and warmth of life remain to us.

"Let us, then, at the time appointed gather around their sacred remains and garland the passionless mounds above them with the choicest flowers of springtime; let us raise above them the dear Old Flag they saved from dishonor; let us, in this solemn presence, renew our pledges to aid and assist those whom they have left among us a sacred charge upon a nation's gratitude—the soldier's widow and orphan.

"II. It is the purpose of the commander in chief to inaugurate this observance, with the hope that it will be kept up from year to year, while a survivor of the war remains to honor the memory of his departed comrades. He earnestly desires the public press to call attention to this order, and lend its friendly aid in bringing it to the notice of comrades in all parts of the country in time for simultaneous compliance therewith.

"III. Department commanders will use every effort to make this order effective.

"By order of—

"JOHN A. LOGAN,

"Commander in Chief.

"Official:

"N. P. CHIPMAN,

"Adjutant General.

"RESOLUTION IN THE HOUSE.

"This order having been generally complied with throughout the country with beautiful and touching ceremonies at the graves of the dead, Mr. Logan, on June 22, 1868, introduced a resolution in the House of Representatives, which was unanimously adopted, in these words:

"Resolved, That the proceedings of the different cities, towns, etc., recently held in commemoration of the gallant heroes who have sacrificed their lives in defense of the Republic, and the record of the ceremonial of the decoration of the honored tombs of the departed shall be collected and bound, under the direction of such person as the Speaker



shall designate, for the use of Congress.' (Congressional Globe, 40th Cong., 2d sess., June 22, 1868, p. 3364.)

"Since then, as is well known, Decoration Day has been observed as a national holiday nearly everywhere in the United States."

(The above is from Dawson, G. F., *Life and Services of Gen. John A. Logan*, pp. 123-125.)

In Gen. Robert B. Beath's History of the Grand Army of the Republic, on page 92, Gen. N. P. Chipman, adjutant general, G. A. R., General Logan's staff, refers to Memorial Day:

"Probably no one act in your administration has done more to cement the brotherhood of our order and to remove any prejudice that might remain in the minds of the public against it than the inauguration of the practice of an annual commemoration to the memory of our departed comrades. The day set apart last year was observed in all departments and by almost all the posts, and with the most gratifying results. If this feature alone was the result of the organization, I think the establishment of a national Memorial Day a sufficient reward to our comrades for all they have done, and this alone would be motive sufficient to perpetuate our order. No other society was in a position to originate the observance, and probably no other would have done so."

#### THE FIRST OBSERVANCE.

The first observance of this order took place May 30, 1868. The whole country was still in mourning over the sacrifices of the bravest and the best "that government of the people, by the people, and for the people should not perish from the earth." The gaping wounds of the bloody carnage in the mighty conflict were still unhealed. Widows and orphans made up the larger part of the multitudes who came with floral tributes for their loved and lost, while the ex-Union soldiers, to the music of solemn dirges, marched up and down the streets of the silent cities, stopping ever and anon to mark the grave of a fallen comrade with a duplicate of the starry emblem of liberty.

The exercises of the day were replete with addresses, poems, and stories of the patriotism and heroism of the Nation's living and dead defenders. Men who had led the sturdy columns against a dauntless foe told of the superhuman courage of those who fell fighting for the preservation of the Union, painting such vivid pictures of scenes in which they had participated as to bring tears to eyes unused to weeping.

Alas, the majority of those who inaugurated the beautiful ceremonies of the national Memorial Day have passed away. Their brave spirits have joined the hosts who are tenting on "fame's eternal camping ground."

The fact that all over this continent loyal people are still repeating their annual commemoration of the gallant deeds of the heroic dead who have died during and since the Civil War proves that "other eyes have not grown dull," "other hands slack," or "other hearts cold in the solemn trust." Nor will the "ravages of time testify to the present or to the coming generations that we have forgotten as a people the cost of a free and undivided Republic."

#### NOBLER NATION BORN.

Out of the great conflicts and agony of war, with all its horrors, a nobler Nation has been born, consecrated to universal Christian freedom. Right valiantly have they pressed forward and upward, bearing bravely the burdens of the peoples of many races and conditions. There have been no deviations from the pathway to glory and prowess for this Republic.

Time, however, has smothered the furrowed plain and bridged the gulf that once divided the sections of our country. War for the oppressed of other peoples has joined in inseparable bonds the North and the South, the East and the West, for freedom, progress, and humanity.

The survivors of the lamentable conflict, under the providence of God, can on this hallowed day assemble around the graves of their sacred dead and cover them with nature's loveliest canopy.

Peace, white-winged peace, hovers above us, and we believe that "The Star-Spangled Banner in triumph shall forever wave o'er the land of the free and the home of the brave."

The beacon light of liberty, brighter from the burnishing by the clash of arms, still attracts the oppressed and downtrodden of the whole world. This generation and the generations that are to follow are and will be beyond question committed to the perpetuation of constitutional freedom, and liberty regulated by law, and to the work of securing for all men equality before the law, the right to pursuit of happiness, and the worship of God according to the dictates of their own conscience.

Founded upon these principles, our Government has won its prowess among all the peoples of the earth. Momentary outbreaks of the lawless may for a time disturb the harmony and brotherhood of citizens of certain localities, but the supremacy of the law established in every part of the United States by the armies and navies of the Union will stand forever. Obedience to the lawfully expressed will of the majority, as declared in the Pilgrims' covenant of 1620, is a principle so fixed in our political system that it can never be otherwise; against it the weight of the rebellion of '61-'65 was not able to succeed. The liberty, justice, and humanity of the American Government stands immovably, as has been demonstrated by the recent conference which will enable the United States to win and hold the confidence of the peoples of the earth until all have been enrolled under the banner of the Cross and white-winged peace.

#### THE AMERICAN LEGION.

The American Legion, if wisely organized, since the close of the World War is in a position to do immeasurable service for our country, destined as it probably is to bear so conspicuous a part in the world's work. I can not resist the temptation to urge the American Legion to harken to an appeal made by General Logan to ex-Union soldiers, sailors, and marines in an address made at the close of his second term as commander in chief of the G. A. R. He said:

"It should be the aim of the Grand Army to bring within its fold every honorably discharged soldier and sailor, and by the constant exercise of the virtues we profess exert an influence second only to the church of Christ. Exalting the hopes and aspirations of our own members, we thereby help to give a proper tone to public sentiment and crush out all opposition to civilization, loyalty, and Christianity, as well as hold our organization above the criticism of the most fastidious, who, beholding our 'good works,' will rise up and call us blessed. We shall need no appeal to call forth the support of all good citizens, who will gladly sustain our lectures and other means of support to our family of sufferers, in whose interest we have solicited public patronage, with liberal responses already.

"The tree of liberty, watered and trained by the influences of the Grand Army, will send forth no disloyal shoots to dishonor our flag, but every branch as it takes up its burden of life will have that vital principle of loyalty so engrained that treason can never destroy it. And

when the encampments that know us now 'shall know us no more forever' the feeling of fraternal regard we have nourished will shed its silent tear over our graves; the charity we have promoted will throw its mantle over our shortcomings, and the spirit of loyalty we have cultivated will still rally round the flag we loved, to perpetuate our memories."

#### LAYING ON THE TABLE CERTAIN BILLS AFFECTING THE NAVY.

Mr. HICKS. Mr. Speaker, there are certain bills reported by the Committee on Naval Affairs which have been disposed of and which are still upon the calendar. I ask unanimous consent to lay on the table the bill (H. R. 10909) to authorize the President to cancel or modify certain contracts for battle-ships and battle cruisers, and for other purposes; the bill (H. R. 5219) to create a bureau of aeronautics in the Department of the Navy, and the bill (H. R. 6297) authorizing the construction of an airplane carrier for the Navy of the United States.

The SPEAKER. The gentleman from New York asks unanimous consent to lay upon the table the bills to which he has just referred. Is there objection?

There was no objection.

Mr. JOHNSON of South Dakota. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. It is clear that there is no quorum present.

Mr. MONDELL. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

Anderson	Echols	Kinkaid	Reber
Andrew, Mass.	Edmonds	Kirkpatrick	Reed, N. Y.
Ansorge	Evans	Kitchin	Riddick
Anthony	Fairchild	Knight	Riordan
Arentz	Fess	Knutson	Roach
Atkeson	Fields	Kreider	Rodenberg
Bacharach	Fish	Kunz	Rogers
Bankhead	Fitzgerald	Langley	Rosenbloom
Barkley	Focht	Larson, Minn.	Rossdale
Beck	Fordney	Layton	Rouse
Benham	Foster	Lee, Ga.	Ryan
Blakeney	Frear	Lee, N. Y.	Sanders, Ind.
Bland, Ind.	Free	Lehibach	Sanders, N. Y.
Bland, Va.	Freeman	Linthicum	Schall
Boies	French	Longworth	Scott, Mich.
Bond	Frothingham	McArthur	Scott, Tenn.
Bowers	Fuller	McFadden	Sears
Brand	Gallivan	McLaughlin, Pa.	Siegel
Britten	Garrett, Tenn.	McPherson	Slem
Brooks, Ill.	Garrett, Tex.	MacGregor	Smith, Mich.
Brooks, Pa.	Gensman	Maloney	Smithwick
Browne, Wis.	Glynn	Mann	Snyder
Burke	Goldsborough	Martin	Speaks
Burroughs	Goodykoontz	Merritt	Stafford
Burness	Gould	Michaelson	Stiness
Butler	Graham, Ill.	Mills	Stoll
Chandler, Okla.	Graham, Pa.	Moore, Ill.	Strong, Pa.
Clague	Griest	Moore, Ohio	Sullivan
Clark, Fla.	Griffin	Morin	Sweet
Clarke, N. Y.	Haugen	Mudd	Tague
Claason	Hawes	Murphy	Taylor, Ark.
Cockran	Hays	Nelson, A. P.	Taylor, Colo.
Codd	Henry	Nelson, J. M.	Taylor, Tenn.
Cole, Iowa	Hill	Nelson, Me.	Ten Eyck
Cole, Ohio	Himes	Newton, Minn.	Tilson
Collins	Hogan	Newton, Mo.	Tinkham
Cornell	Hudspeth	O'Brien	Trheadway
Cornolly, Pa.	Humphreys	Olpp	Vare
Cooper, Wis.	Husted	Paige	Voigt
Copley	Hutchinson	Parker, N. J.	Volk
Coughlin	Ireland	Parker, N. Y.	Walsh
Crago	Jefferis, Nebr.	Parks, Ark.	Walters
Cranston	Johnson, Wash.	Patterson, N. J.	Ward, N. Y.
Curry	Jones, Pa.	Perkins	Wason
Darrow	Jones, Tex.	Perlman	Watson
Davis, Minn.	Kahn	Petersen	Williams, Ill.
Dempsey	Kelley, Mich.	Porter	Wood, Ind.
Dickinson	Kennedy	Rainey, Ala.	Wyant
Drane	Kiess	Rainey, Ill.	Zihlman
Driver	Kincheloe	Ransley	
Dunbar	Kindred	Reavis	

The SPEAKER. Two hundred and twenty-nine Members have answered to their names; a quorum is present.

Mr. MONDELL. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

The SPEAKER. The Doorkeeper will open the doors.

#### READJUSTMENT OF PAY OF DIFFERENT SERVICES.

Mr. MCKENZIE. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill H. R. 10972, to disagree to all the Senate amendments, and ask for a conference.

The SPEAKER. The gentleman from Illinois asks unanimous consent to take from the Speaker's table the bill H. R. 10972, to disagree to all the Senate amendments, and ask for a conference. The Clerk will report the bill by title.

The Clerk read as follows:

An act (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 the Public Health Service.

The SPEAKER. Is there objection?

Mr. KRAUS. Mr. Speaker, reserving the right to object, when this matter was called up in a similar way a few days ago I called the attention of the gentleman from Illinois to the fact that the main difference between the House and Senate was in the amendment relating to retired pay. Quite a number of gentlemen of the House are strongly opposed to the Senate provision, and we must admit that there is a possibility and a probability that the House members of the conference committee might recede in whole or in part so far as the House is concerned, and gentlemen in favor of the House provision would like to have an opportunity, when this provision of the bill comes from the conference committee, in case there is a total or partial recession, to express their views to the House and attempt to get an expression from the House on that particular question. That is the only purpose.

Mr. OLIVER. Mr. Speaker, I agree with the gentleman from Indiana that the real difference between the House and the Senate on the pending bill relates to retired pay of officers. The other differences will be readily adjusted on a basis entirely satisfactory to both the House and the Senate. Now, in view of the fact the gentleman from Illinois [Mr. McKENZIE] was opposed to the action of the House relative to the matter now in dispute, I hope that before the gentleman agrees to recede from the position taken by the House that he will give the House an opportunity to declare its present attitude on the question involved, but I have no desire to impose that as a condition to the bill going to conference. I would like, however, to have the assurance of the gentleman from Illinois that if any recession is made from the position of the House as to retired pay, he will either give the House an opportunity to vote on it or give Members an opportunity to present their views to the House before any vote is asked on the conference report.

Mr. McKENZIE. Mr. Speaker, in reply to my two colleagues on the committee, I wish to say, as I understand the rules of the House, when the conference report is called up I will have one hour's time at my disposal, and I want to say to my two colleagues I certainly would have no objection and would be glad to yield them a liberal part of that hour, or to anyone else whom they may designate and who desires to express an opinion on the conference report.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the conferees.

The Clerk read as follows:

Mr. McKENZIE, Mr. KRAUS, and Mr. BYRNES of South Carolina.

Mr. LUCE. Mr. Speaker—

Mr. JOHNSON of South Dakota. Mr. Speaker, I rise to a question of privilege.

The SPEAKER. The gentleman from South Dakota will state it.

Mr. JOHNSON of South Dakota. Mr. Speaker, on page 7741 of the RECORD of May 26, I brought before the House a question of privilege in reference to House Resolution 323, the Woodruff resolution, suggesting at that time that the Rules Committee order the chairman of the Committee on Rules to report that resolution, and that he had refused to do so and still refuses to do so. I think the quorum call disclosed the gentleman is not here, which is evidence he does not intend to report it to-day. I believe that the expiration of 24 hours since the ruling of the Speaker yesterday has brought me within the construction of the word "reasonable" that was laid down by the Speaker on yesterday.

I believe the Speaker of the House, like a court, must not close his eyes or shut his ears to absolute facts. The fact that the chairman of the Committee on Rules on yesterday remained silent when I asked the definite question if he ever intended to report this resolution, brings this case within the rule of law that a contract, although a "reasonable" time may be given to have it executed, may be called for execution at once if the party who agrees to perform a certain act says definitely he will not keep the contract. I think a "reasonable" time has expired and that the chairman of the Committee on Rules, in accordance with the ruling of former Speaker Reed, ought to be compelled to present this resolution to the House itself, and I move that he be compelled to do so.

The SPEAKER. The Chair is ready to rule. Regardless of the question of whether a reasonable time has transpired since yesterday, the gentleman from Massachusetts [Mr. LUCE] is now claiming recognition for the purpose of presenting a contested-election case.

According to endless precedents a contested-election case is the highest privilege of the House. Granting for the sake of argument that the contention of the gentleman from South Dakota is correct, it would certainly not give him the right to bring it up now in opposition to a contested-election case.

Therefore, and on that account, the Chair declines to recognize the question of privilege.

Mr. JOHNSON of South Dakota. Mr. Speaker, a parliamentary inquiry. If it should be brought to the attention of the Chair that between now and next Thursday, when I understand there is to be a meeting of the Rules Committee, at which time certain gentlemen who voted for the reporting of this Woodruff resolution are going to move to reconsider and kill it—if it should be brought to the Chair's attention that that is the case, and the leadership of the House should determine on Wednesday next, the only other day that we meet, to bring up another contested-election case, would the Chair then feel he could recognize me on the question of privilege?

The SPEAKER. The Chair will cross that bridge when he reaches it.

The gentleman from Massachusetts [Mr. LUCE] is recognized.

#### MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Craven, its Chief Clerk, announced that the Senate had passed without amendment bills of the following titles:

H. R. 10925. An act to authorize the Secretary of War to sell real property, known as the Pittsburgh Storage Supply Depot, at Pittsburgh, Pa.; and

H. R. 241. An act to authorize the Secretary of War to grant a perpetual easement for railroad right of way and a right of way for a public highway over and upon a portion of the military reservation of Fort Sheridan in the State of Illinois.

The message also announced that the Senate had insisted upon its amendments to the 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, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. WADSWORTH, Mr. NEWBERRY, and Mr. FLETCHER as the conferees on the part of the Senate.

#### CONTESTED-ELECTION CASE OF CAMPBELL V. DOUGHTON.

Mr. LUCE. Mr. Speaker, in behalf of Committee on Elections No. 2, I call up the report of the committee in the election case of Campbell against Doughton, Report No. 882, House Calendar No. 159.

The SPEAKER. The gentleman from Massachusetts calls up a resolution, which the Clerk will report.

The Clerk read as follows:

*Resolved*, That James I. Campbell was not elected a Representative from the eighth congressional district of the State of North Carolina and is not entitled to a seat herein.

*Resolved*, That Robert L. Doughton was duly elected a Representative in this Congress from the eighth congressional district of the State of North Carolina and is entitled to retain a seat herein.

Mr. LUCE. Pending the consideration of the report, I ask unanimous consent that debate thereon be limited to 2 hours and 40 minutes; that 80 minutes of this time be in the control of the gentleman from Ohio [Mr. CABLE], and that he be allowed to grant 20 minutes of the 80 minutes to the contestant, Mr. Campbell; that the other 80 minutes be divided as follows: In my own charge, 30 minutes; in charge of the gentleman from Louisiana [Mr. WILSON], 50 minutes, of which time he will yield 20 minutes to the contestee, Mr. Doughton.

The SPEAKER. The gentleman from Massachusetts presents a unanimous-consent request, which the Clerk will report.

The Clerk read as follows:

Mr. LUCE asks unanimous consent to limit general debate to 2 hours and 40 minutes—30 minutes to be controlled by Mr. LUCE; 80 minutes to be controlled by Mr. CABLE, of which 20 minutes is to be given to Mr. Campbell; 50 minutes to be controlled by Mr. WILSON, of which 20 minutes is to be given to Mr. Doughton.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The Chair assumes that in that time consent was given that the contestant should address the House for 20 minutes.

Mr. LUCE. In the last election in the eighth congressional district of the State of North Carolina the returns, with conceded corrections, showed a vote of 32,944 for Robert L. Doughton and 31,856 for James I. Campbell, making Doughton's apparent majority 1,088.

The seat is contested on various grounds. There were irregularities to an important degree in numerous particulars. If I may judge from the report of the minority member of the committee, the gentleman from Ohio [Mr. CABLE], the committee has been unanimous in its conclusion that in all but two particulars, namely, the matter of absentee voting and that of the votes cast in two precincts, the contestant has not made out his case. If that should not be wholly accurate, it is certain that eight of the nine members of the committee agreed to such



effect, reaching their conclusion after a perusal of the evidence and having no hesitation in the formation of their judgment.

In view of the fact that the report of the minority member dwells only upon the two matters to which I have referred, there is little occasion to review the other allegations of the contestant. But for the sake of the record at least a few minutes should be taken in setting them forth. They involve some interesting questions, but directly the opposite of those that usually arise in an election case, for the evidence does not indicate that in these irregularities there was enough fraud, enough wrongful intent, enough of criminal practice to call for action. It is the unusual condition of wrongful practices indulged in by common consent, with the consent of the electorate itself with the consent of the leaders of both parties in the district, and to some degree with the consent of the candidates, or, at any rate, without their protest. And this raises the very interesting question of whether the Congress may connive at, may condone the violation not alone of the statutes but of fundamental law by a whole electorate. This was the feature of the case that gave me the most anxiety, for there has never been a time in our day when it was of more importance that obedience to law should be thoroughly observed, emphatically enforced.

These violations of law were chiefly of two classes, violations of two provisions of the constitution of North Carolina as it then stood. This constitution required, in the first place, save for a few exceptions that I need not mention, the payment of poll taxes as a prerequisite for voting. The requirement was in disfavor. At this very election it was taken out of the constitution by the vote of the people of the State. In this district it seems to have been particularly unpopular, and by general agreement, in some cases by formal agreement, it was not enforced. There seems to have been uncertainty in the matter, for after a time, in the course of the campaign, some men changed their minds as to the desirability of enforcing it; but there was nowhere any thorough or adequate enforcement of that provision. This had an incidental feature of consequence, by reason of the fact that a large number of voters were in the Army, either abroad or but recently returned, and the attorney general of the State went so far as to construe the word "infirmary" so as to permit the acceptance of votes from many soldiers who it was agreed had not paid their taxes. This forced construction, of course, is open to serious question. But in view of the spirit of patriotism inspiring the construction and the general desire of the people that such a construction should prevail, I am not disposed here to do more than to call it to your attention.

Another class of irregularities concerned a provision of the constitution requiring that every voter, with some exceptions, should be able to read and write. Here, too, there was, in some sections of the district at any rate, general agreement that the question should not be raised. If you peruse the huge volume of testimony, you may find delightful sidelights thrown on human nature and may discover plenty of proof of the prevalence in our country still of the doctrine embodied in the query, "What's the Constitution between friends?"

Also stress was laid upon the charge of intimidation by reason of the circulating of a gross libel upon the Republican candidate for President—a libel for which there can be no word of defense, outrageous in the extreme. But surely it can not be contended that because one candidate on a ticket is grossly libeled the votes cast for other candidates on that ticket should be brought into question.

Also there was much testimony in the matter of the conduct of the registrars, who by the law of North Carolina are allowed on all save the four Saturdays prior to the election to travel about the district and register as they see fit. This was wholly permissive, and if these men—as undoubtedly they did in many cases—remembered that they were partisans, there can be found no warrant in law for criticism.

Coming to the irregularities presenting the two issues raised by our friend from Ohio [Mr. CABLE], let me dispose first of the conditions in the precincts of Big Lick and Furr. An hour or two after the polls opened in the morning it began to rain. In one of these precincts it had been planned to hold the voting out of doors. Particularly for the comfort of women desiring to vote the election officials went indoors, using a room not at all adapted to the conduct of the election. Likewise, in the other precinct the room was not adapted to such a use, especially on a cloudy day. Each of these rooms was very dark. At best it would have been difficult to find the names on the poll book, for they had not been properly arranged, and the voting was frequently delayed in trying to find names where large groups began with the same letter.

That was notably the case with the letter "H." Also women were voting for the first time, and we have not yet systematized

our records of the names of women, so that much confusion is everywhere caused by lack of insistence upon the use of the given name rather than that of the husband or his initials. These conditions of themselves would have somewhat delayed the voting.

In each case, however, there was further delay by the course of conduct of the crowd outside trying to get in. The testimony has introduced me to a new word—"scrouging." [Laughter.]

A MEMBER. Spell it.

Mr. LUCE. S-c-r-o-u-g-i-n-g.

Mr. HARDY of Texas. Mr. Speaker, will the gentleman yield right there?

Mr. LUCE. Yes.

Mr. HARDY of Texas. That is a word that I learned in my boyhood; also in my babyhood. [Laughter.]

Mr. ROSE. I want to make the same statement as the gentleman from Texas.

Mr. LONGWORTH. I understand that was used in Plymouth Colony. [Laughter.]

Mr. LUCE. Well, "scrouging" is unfamiliar in these days in my part of the country. I find that it describes the action of a confused mass of men in physical contact with each other, engaged in swaying back and forth, with some scrapping, if I may use the word here—

Mr. TEMPLE. That word is familiar, too—

Mr. LUCE. Constituting, if such a thing may be conceived, a peaceful riot.

Now let me give you the language, if I can, of one man who participated in this joyous merriment.

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

Mr. LUCE. Yes.

Mr. CHINDBLOM. Is it a game? Is it planned or does it happen by accident?

Mr. LUCE. In this particular case it is alleged by the contestant that it resulted from conditions which were planned. As a game I should not see attractions in it myself, but they seem to have reveled in this thing all day long. Here is the way one man describes it in replying to the question, Tell how they were crowded:

Answer. They were packed in; locked arms on one another's shoulders, and locked arms one around the other. Once in awhile the crowd would break and turn wrong outside out. I thought I might get in, but some got to the door facing and turned back on the crowd.

[Laughter.]

These precincts were overwhelmingly Republican, and the crowd was overwhelmingly Republican. A witness, on being asked to explain about it, replied:

I reckon 50 or 75 crowded all the time. The Republicans would go in and vote and come out and say, "Let's crowd out the damned Democrats."

[Laughter.]

The contention in regard to these precincts is being raised by the Republican contestant, I have no doubt—I am sure—in perfect good faith; but, unfortunately, no small part of the trouble in these precincts was caused by his own friends. There was no testimony to which weight could be given to the effect that once inside the building there was any discrimination, and the testimony does not indicate that outside the building there was such discrimination on the part of the crowd itself as to warrant the conclusion that a purely partisan end was in view. The good nature of the whole proceeding is further shown by the fact that in the forenoon it was agreed to admit all the women, so that they might not have to stand out in the rain, and all the men more than 60 years old; and it is not denied that the women and the men more than 60 years old, regardless of party, had the opportunity to vote. The young men, those under 60—and I put it that way with personal considerations in mind—

Mr. TEMPLE. Gratification—

Mr. LUCE. Yes, gratification, as is suggested—the young men stood out there and enjoyed themselves all day.

Seriously, this was a reprehensible procedure, not to be excused, and most unfortunate. I am quite certain that all the skill was not displayed by the election officers there in handling the crowd or receiving the ballots that should have been displayed; but of the total vote cast in those two precincts about three-fourths was cast, and the vote was cast at the rate of more than one a minute throughout the day. Under those conditions it did not seem to eight of the nine members of your committee that we would be justified in throwing out the whole vote of those two precincts, a vote cast at the rate of more than one a minute, with three-quarters of the registered vote cast.

Furthermore, of the voters excluded there was a percentage composed of Democrats; and it seems almost incredible that

partisans should conspire to attempt to gain advantage by shutting out their own adherents because in their expectation the percentage of their opponents shut out at the same time might be larger than that of their adherents excluded.

Coming next to the question of absentee voting, the testimony shows that a very large number of the absentee votes were cast for the Democratic candidate and but a small proportion for the Republican candidate.

Mr. ROBSION. Will the gentleman yield?

Mr. LUCE. Yes.

Mr. ROBSION. On the point in which the two precincts were involved, did the contestant request that those votes be thrown out in those two precincts?

Mr. LUCE. I understood that the contestant requested that the whole vote of the two precincts be thrown out.

Mr. ROBSION. If they were thrown out, what bearing would it have on the result?

Mr. LUCE. It would not change the result unless in connection with other features of the election.

Mr. CABLE. Will the gentleman yield?

Mr. LUCE. Yes.

Mr. CABLE. Is it not a fact that instead of requesting that the vote of these two Republican precincts be thrown out, the contestant requested that the Republicans and Democrats deprived of voting be counted?

Mr. LUCE. My understanding was that the whole precinct was to be thrown out.

Mr. CABLE. Are not both those precincts overwhelmingly Republican?

Mr. LUCE. They are overwhelmingly Republican.

Mr. CABLE. And the question came up as to whether the contestant would not have the right to count the Republican voters who were standing outside, and who did not get the opportunity to vote.

Mr. LUCE. The question was raised, but I understood that in the minority report the contention was made that the whole precinct should be excluded. However, if I am in error, and it is desired only to give credit for the votes of the men who did not get the chance to vote, that would not change the result unless in connection with gains for the contestant in the more important particular to which I must devote the rest of my time.

The minority report alleges that by reason of the apparent discrepancy in the volume of Republican and Democratic absentee voting fraud must have been perpetrated. On examination of the record it will appear that these absentee votes were chiefly contested on the ground of nonpayment of poll tax or other disqualification, notably that of nonresidence.

This brings up the question of domicile, one of the most difficult subjects in the range of the law. It is a matter of intent, and if you will study the record you will find that in almost no instance was there presented any proof whatever bearing upon the intent of the voter. The allegations of the witnesses were largely opinion or hearsay, mostly unsupported by other witnesses, allegations that would not stand for a moment in any court of justice.

Mr. CABLE. Will the gentleman yield?

Mr. CLOUSE. Will the gentleman yield?

Mr. LUCE. There will be opportunity later. I desire here to close this part of my remarks in order that others may dwell upon these questions in detail. With this review of the general outline of the case, I will reserve the remainder of my time and yield the floor to the gentleman from Ohio [Mr. CABLE].

The SPEAKER pro tempore. The gentleman reserves seven minutes of the time allotted to him. The Chair recognizes the gentleman from Ohio [Mr. CABLE] for one hour.

Mr. CABLE. I yield myself 30 minutes at this time.

The SPEAKER pro tempore. The gentleman is recognized for 30 minutes.

Mr. CABLE. Mr. Speaker and gentlemen of the House, the gentleman who just preceded me has referred to the scrouging in the precincts of Big Lick and Fur. At the outset I want to call the attention of this House to the so-called scrouging in the absentee ballots. The record discloses that of those who voted in person a majority of the votes went to the Republican contestant, but by reason of the overwhelming number of absentee ballots the contestee was seated.

The number of Democratic absentee ballots is 1,596. The contestee obtained the benefit of these, and only by reason of this large number of ballots was he given a majority of the votes cast. On the other hand, contrasting the 1,596 absentee Democrats, I call the attention of the House to the fact that there were only 201 Republican absentee ballots cast for the contestant.

Mr. CLOUSE. Will the gentleman yield right there for a question?

Mr. CABLE. I yield to the gentleman from Tennessee.

Mr. CLOUSE. What per cent of the absentee vote had paid their poll tax, which was a condition precedent to the right to vote?

Mr. CABLE. I do not raise that question at all in this case. There were several issues raised. One was the poll tax.

Mr. CLOUSE. There was one other question I wanted to ask the gentleman in order to get it clearly in my mind. Did the majority report of this committee recognize the validity of an agreement between individual leaders of the parties or factions to eliminate the condition of the law that a voter must have paid his poll tax? And by voting for the majority report would this House approve that action of waiving a specific statute in order to give women and children or individuals not qualified under the law the right to vote?

Mr. CABLE. I do not think any children voted, but there were dead people and insane people who voted.

Mr. CLOUSE. I understood the chairman of the committee to say that a large number voted without having paid their poll tax.

Mr. CABLE. They did; and that question was raised and it was thrashed out, and I think it was proved that there were 200 or 300 who voted without payment of their poll tax. But the soldiers—

Mr. CLOUSE. What effect would that have had on the final result of the election if they had been eliminated?

Mr. CABLE. There is only one thing that could have an effect on the final result of this election, and that is the absentee vote. I am here, and have filed a minority report asking that all absentee votes be thrown out and the Republican contestant seated. The question of the poll tax, while it might gain a few, if they proved every one of them it would not seat the contestant; but if we have shown that the absentee ballots were corrupt and illegal, as I hope to show to you, then the Republican would be seated by 300 or 400.

Mr. CLOUSE. Go ahead.

Mr. CABLE. The State of North Carolina is famous for a great many things. It is famous because it produces all the varieties of agricultural products produced in any State of the Union, yielding the agricultural products of both North and South. It is the only State that fills every blank of the census of agricultural products. It is famous because in that State was established the second State university in this country. It is famous because Uncle JOE CANNON was born in that State. [Applause.] It is famous because at least one President was born there. It is more famous and always will be, unless they change the practice, for its election machinery. The senior Senator from North Carolina is reported to have said that by means of their election machinery in North Carolina they gain at least 40,000 votes, and I do not doubt it a bit. In the eighth congressional district alone they gain the difference between 1,596 and 201 on the absentee ballot.

North Carolina is famous for another thing. It is the only State in the Union that does not have the Australian ballot system in voting, except one county, and that county is called Buncombe. I do not know why they have the Australian ballot system in Buncombe County, but they do, and that is the only one in which they do.

The votes of those who voted in person for the contestee, Doughton, numbered 31,338, while the votes cast in person for Campbell, the contestant, numbered 31,655. That gives Campbell a majority of 317, if you throw out the absentee ballots.

Then, in addition, there are two precincts, Fur and Big Lake, where the Republicans and Democrats entered into a conspiracy to deprive the Republicans of their opportunity to vote. In some precincts 1,500 or 1,600 Democrats voted, but in these two precincts, where the Republican vote was heavy, they deprived 254 Republicans of their vote and only 24 Democrats. In other words, they crowded around there; the election officials took so long to find the names that when the polls closed there were standing outside ready to vote, according to the record, 254 Republicans and 24 Democrats. The election machinery down there is not excelled by any other in the United States, so far as keeping Democrats in power. They have a State election committee and the majority is Democratic; they have a county committee and the majority is Democratic; they have a local committee, one Republican and one Democrat. But in every voting precinct they have what they call a registrar, and in every precinct except one he is a Democrat. In one a Republican.

Mr. CHINDBLOM. What does the gentleman mean by a committee?



Mr. CABLE. The board of election, State and county. The election officials.

Mr. LONDON. Has the gentleman exhausted the subject of the absentee vote?

Mr. CABLE. Oh, no; I have not started on that yet. This third man, who is a Democrat except in one county, has complete charge of the election machinery. They do not register down there except once, and when your name gets on the registration book it is on there sometimes, as in this case, after you are dead. Once registered always registered. They bring the registration forward every two years, and the Democratic registrar brings up the old list, and if he knows anyone who has moved out of it, or is dead, he is supposed to strike the name off the list, but sometimes he does not carry that out.

In this election district the Democratic registrar prior to an election stays at the voting place four Saturdays. The rest of the time he can go over the precinct registering voters. The Republicans under the law can not make a copy of the registration after it is in the hands of the registrar. Here is the way the Democrats feel about it. In the letter on page 265 of the record, entitled "Exhibit B," you will find that it says:

EXHIBIT B.

ASHE COUNTY DEMOCRATIC EXECUTIVE COMMITTEE.  
Jefferson, N. C., October 26, 1920.

DEAR SIR: We lost the last election by not getting our voters out. Get them out this time and win. You should make a list of every voter in your township who is unable to get to the election and see that they vote by mail. I would also suggest that you make a list from the register books of every Democratic voter in the township and have some one at the polls to check each one's name as they vote. In this way you can tell at any time who has not voted, and no one should be overlooked.

In case the Republicans attempt to copy the register books this next Saturday, you should object. The registrars are honest men and the register books speak for themselves. The Republicans have a right to inspect but not to copy.

All the tickets to be voted are now ready for distribution, and you should send some one for them at once, as they can not be mailed.

Let every Democrat work this next week and victory is ours.

Yours truly,

W. B. AUSTIN.

Now, they have an absentee election law down there, and it is in line with the balance of the election machinery. If I want to go out of town or out of the voting precinct the day of election, I apply to the chairman of the county board, who is a Democrat. No record is kept of my application. He gives me one or two forms of ballot or a certificate. Right here I want to explain that they do not have the Australian ballot system there. To vote in person you go to the voting place—they have two tables outside—and if I am a Republican I walk up to the Republican table and take up the ballot and put it in the box; if I am a Democrat, I go to the Democratic table and get a Democratic ballot. If I am going to be absent, I get one of two forms of ballots or a certificate. Here is a blue certificate to be signed by the absentee voter:

CERTIFICATE TO BE SIGNED BY ABSENT VOTER.

STATE OF NORTH CAROLINA,  
Post office, Mount Pleasant; date, October 23, 1920.

To the registrar and judges of election, Bradshaw precinct:

I, G. F. Cline, do hereby certify that I am a duly qualified elector in Bradshaw precinct, Rowan County, N. C., and I inclose herewith ballot or ballots which I wish to vote in the election to be held November 2, 1920.

(Signed) G. F. CLINE.

Witness:

GEO. F. McALLISTER.

Now, the ballots which the Democratic chairman has had handed me, or the certificate calling for a straight vote, I mail to the Democratic registrar, who keeps them until election day—3 o'clock on election day. The Republicans do not know who have voted absentee up to that time, as no public record is kept. At 3 o'clock he reaches into his pocket, pulls out the ballots, and they are counted. That is the first time the Republicans know who has voted absentee.

Now, there is another form of ballot down there, a certificate to be signed by the absent elector. Here is one:

CERTIFICATE TO BE SIGNED BY ABSENT ELECTORS.

SCOTTS, N. C. (State),  
October 29, 1920 (Date).

To the registrar and judges of election, Gold Hill precinct:

I hereby cast my vote for each nominee of the Republican Party to be voted for at the election to be held on November 2, 1920.

If the absentee voter is Republican and the certificate calls for a Republican ticket, the registrar goes to the Republican table, takes up the ballots for the man, and puts them in the boxes. There is no way of identifying them; they are destroyed after the vote is counted. This was the law which was passed in 1917. It was passed for a good reason, and that was to permit the soldiers to vote by absentee; but in 1919 it was amended, and

the amendment specifically provides that these certificates shall be retained. The law in part says:

Absent voter may sign name on ballot; ballots and certificates to be kept. In voting by the method prescribed in this article the voter may, at his election, sign, or cause to be signed, his name upon the margin or back of his ballot or ballots, for the purpose of identification. The ballot or ballots so voted, together with the accompanying certificates, shall be returned in a sealed envelope by the registrar and poll holders, with their certificates of the results of the election, and kept for six months, or, in the case of contest in the courts, until the results are finally determined.

Now, the law was recodified and in the recodification they omitted a part of it. The act specifically stated that they had no right to change any part of it, and only the part of the law was repealed that was in conflict with the consolidated statute. Whether they had the right under the law or not to destroy the evidence of this, they did do it.

A commission was appointed to consolidate the North Carolina laws, but the commission was specifically denied the authority to change any of the existing laws. Section 4a, above quoted, requiring that all certificates of absentees should be preserved for six months, because a law on March 11 and on the day previous the legislature specifically provided in part that the commissioners should complete and perfect the consolidated statutes and "they are hereby authorized to change the number of sections, transfer sections, chapters, and subdivisions of chapters, and make such other corrections which do not change the law as may be deemed expedient."

Section 5966 of the Consolidated Statutes was written to carry into effect section 4a of the act of 1919, and to properly construe the meaning of the Consolidated Statute it is necessary to carry into it the intent of the legislature when it passed section 4a. Section 5966 of the Consolidated Statutes is as follows:

Absent voter may sign name on ballot; ballots and certificates to be kept. In voting by the method prescribed in this article the voter may, at his election, sign, or cause to be signed, his name upon the margin or back of his ballot or ballots, for the purpose of identification. The ballot or ballots so voted, together with the accompanying certificates, shall be returned in a sealed envelope by the registrar and poll holders, with their certificates of the results of the election, and kept for six months, or, in the case of contest in the courts, until the results are finally determined.

The Consolidated Statutes went into full force and effect from and after August 1, 1920. The election in question occurred that fall. The law concerning the Consolidated Statutes appears in chapter 135, section 8100 and following. Section 8101 deals with "Effect as to repealing other statutes," and is as follows:

All public and general statistics not contained in the Consolidated Statutes are hereby repealed, with the exceptions and limitations hereinafter mentioned. No statute or law which has been heretofore repealed shall be revived by the repeal contained in any of the sections of the Consolidated Statutes. All public and general statutes passed at the present session of the general assembly shall be deemed to repeal any conflicting provisions contained in the Consolidated Statutes.

It should be noted that public and general statutes are repealed only when they conflict with the provisions of the Consolidated Statutes. There is no conflict between paragraph 4a, requiring the preservation of the certificates and identified ballots for six months, and section 5966 herein cited, formerly section 4a.

The courts have never passed upon the question as to whether or not it is legal to destroy the absentee certificates prior to the six months' period of time. There is no law authorizing the destruction of the general election ballots. No matter how a court should construe this provision, the record clearly shows that the destruction of the certificates was a part of the conspiracy whereby many illegal votes were cast.

Now, here is what was accomplished by destroying the certificates that should have shown the residence or temporary address of the voter. In Iredell County the vote was 523 to 47. In Rowan County, Democratic absentee 518, Republican 48. In the next county, Stanly, the vote was 94 to 23. In Ashe County the vote was 186 to 30, and in Caldwell County the vote was 275 to 61. That makes a total of 1,596 Democratic absentee votes to 201 Republican. The only way that they could prove the number was by asking the Republican or the Democratic officials what the absentee vote was in that particular precinct.

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

Mr. CABLE. Yes.

Mr. KEARNS. Is there any record of the number of ballots that are printed for election? Are they numbered, say, as from one to a thousand?

Mr. CABLE. No. They evidently print them by the bale, because they have no record at all. For example, if you are a candidate for Congress, it simply says, "For Representative in Congress," then gives the name, either Mr. Doughton or Mr. Campbell, and that is all there is on the slip.

Mr. KEARNS. The voter who makes application for an absent voter's ballot makes no record of his application?

Mr. CABLE. That is one of the troubles with the election law down there. The Democrats are in power, and they keep no record of who is going to vote and the Republicans do not know about it until 3 o'clock.

Mr. KEARNS. Then this election official puts his hand in his pocket and pulls out a bunch of tickets?

Mr. CABLE. The absentee ballots are sent to the registrars of the various precincts in an envelope like this.

Mr. KEARNS. And there is nothing in the law to prevent a dishonest member of an election board from putting fraudulent votes in his pocket and at 3 o'clock pulling them out and giving them to the election officials?

Mr. CABLE. They have registration; but if a man moved, say five or six years before, nobody can prove that he has gone, and they count the ballots just the same.

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

Mr. CABLE. Yes.

Mr. LUCE. I think the gentleman from Ohio [Mr. KEARNS] does not understand that these ballots and certificates are in envelopes which are opened at the time the ballots are deposited.

Mr. KEARNS. But an election official could take that ballot and put it in an envelope and seal it.

Mr. LUCE. Of course he can; but there is an official of the other party at hand.

Mr. KEARNS. I understood the gentleman from Ohio [Mr. CABLE] to make the statement that no Republican could know until 3 o'clock of that day who had made application.

Mr. LUCE. When the envelopes are opened there are two Democrats and one Republican opening them.

Mr. KEARNS. But prior to that a dishonest Democratic official could put as many as he wanted in the envelope.

Mr. LUCE. If he was willing to commit a forgery; yes.

Mr. KEARNS. I assume from what the gentleman from Ohio said that one could find somebody down there who would commit the forgery.

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

Mr. CABLE. Yes.

Mr. GAHN. Will the gentleman explain how, if all these absentee votes are thrown out, it would change the result of the election?

Mr. CABLE. Yes. The people who went to the polls and voted in person cast more votes for Mr. Campbell, the contestant, than for Mr. Doughton, the contestee. There is a difference of 317. In other words, Mr. Campbell received 31,655, and Mr. Doughton 31,338, or a majority of 317 for Mr. Campbell, if the absentee votes are thrown out.

Mr. KEARNS. Mr. Speaker, will the gentleman yield again?

Mr. CABLE. Yes.

Mr. KEARNS. The gentleman from Pennsylvania [Mr. TEMPLE] has just suggested something to me, and I want to ask a question of the gentleman from Ohio. Take the election officer who has in his possession all of the absentee votes. He can suspect those who have voted Republican and those who have voted the Democratic ticket. Could he withhold some of those ballots, destroy them, not hand them over to the election officials, and if he did that, would there be any way of keeping tab on him at all?

Mr. CABLE. The gentleman is correct. When I apply for my absentee ballot, I go to the Democratic chairman. There is no record of my application. There is no record of sending out the certificate and the ballots. There is no record kept by the Democratic registrar of the ballots he receives in the envelopes similar to this, and there is no record at all until he comes in on election day at 3 o'clock and pulls them out of his pocket and they open the envelopes and proceed to count them.

Mr. KEARNS. Are all of these registrars of election in that State Democrats?

Mr. CABLE. I do not know about the State, but in this district all of them but one are.

Mr. LUCE. Mr. Speaker, the gentleman does not mean all election officials, all judges of election are Democrats.

Mr. CABLE. I did not say that. I said all registrars.

Mr. LUCE. While I am on my feet, may I ask the gentleman how the testimony shows the absentee votes to be divided between the two candidates, and how he knows how the absentee voters voted?

Mr. CABLE. Because in every particular case the witness testified to that effect. The record shows in each particular precinct whether he was a Democrat or a Republican, and in a good many cases they had to go to a hostile Democratic official to get the vote and the number of it.

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

Mr. CABLE. Yes.

Mr. RAKER. On the matter of the absentee vote, at 3 o'clock the election officer takes from his pocket in sealed envelopes the number of absentee votes that have come to him as such officer. Is that correct?

Mr. CABLE. Correct.

Mr. RAKER. Both Democratic and Republican votes?

Mr. CABLE. Yes, sir; those all go to the registrar.

Mr. RAKER. The same man?

Mr. CABLE. Yes, sir.

Mr. RAKER. Is there any contention that these envelopes with ballots and certificates in them are fraudulently sent to the registrar or that the registrar fraudulently secured them?

Mr. CABLE. Yes, sir. I contend the record shows that absentee ballots were cast on behalf of contestee Doughton, in part, as follows: In the name of the dead; the insane; without the knowledge or consent of those who did not vote; a second absentee ballot without knowledge or consent of those who had already voted; for and by many nonresidents of the State; for and by many who had not paid their poll tax, as required by law; on forged certificates.

By destroying or secreting the absentee certificates and marked ballots it was impossible for contestant Campbell to obtain or to trace and discover the identity and eligibility of the absentee voter in every case; that is, from the certificate itself. Contestant, however, by means of witnesses, introduced evidence showing that votes were cast as above outlined.

To be a qualified elector in North Carolina section 5937, in part, provides:

The residence of a married man shall be where his family resides, and that of a single man where he sleeps.

Notwithstanding this provision of the law, evidence was introduced by contestant showing that many absentee ballots were cast in the name of actual nonresidents of the voting precincts and even the State; such absentees were living in Ohio, Illinois, Kentucky, Georgia, California, and many other States of the Union, sometimes for 10 or 12 years.

Mr. CROWTHER. Mr. Speaker, this is a very important question, and I think we ought to have an audience, and I make the point of order that there is no quorum present.

The SPEAKER. There is no quorum present.

Mr. BEGG. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

Andrew, Mass.	Fairchild	Kincheloe	Parker, N. Y.
Asorge	Fairfield	Kindred	Patterson, N. J.
Arenz	Favrot	Kinkaid	Perkins
Atkeson	Fenn	Kirkpatrick	Perliman
Bacharach	Fess	Kitchin	Petersen
Bankhead	Fields	Kleczka	Porter
Barkley	Fish	Knight	Quin
Beck	Fitzgerald	Knutson	Radcliffe
Bell	Focht	Kreider	Rainey, Ala.
Blakeney	Fordney	Kunz	Rainey, Ill.
Bland, Ind.	Foster	Lampert	Ransley
Bland, Va.	Frear	Langley	Reavis
Boies	Free	Larson, Minn.	Reber
Bond	French	Layton	Reed, N. Y.
Bowers	Frothingham	Lee, N. Y.	Riddick
Brand	Fuller	Lehbach	Riordan
Britten	Gallivan	Linthicum	Rodenberg
Brooks, Pa.	Garrett, Tenn.	Little	Rogers
Burke	Garrett, Tex.	Longworth	Rosenbloom
Burroughs	Gensman	Luhning	Rossdale
Burtness	Goldsborough	McArthur	Rouse
Butler	Goodykoontz	McChintie	Ryan
Cantrill	Gould	McFadden	Sanders, Ind.
Chandler, Okla.	Graham, Ill.	McLaughlin, Pa.	Sanders, N. Y.
Clark, Fla.	Graham, Pa.	McPherson	Schall
Clarke, N. Y.	Griest	MacGregor	Scott, Mich.
Classon	Griffin	Maloney	Sears
Cockran	Haugen	Mann	Siegel
Codd	Hawes	Mansfield	Slemp
Cole, Iowa	Hawley	Martin	Smith, Mich.
Cole, Ohio	Hays	Merritt	Smithwick
Collins	Henry	Michaelson	Snyder
Connell	Hill	Mills	Speaks
Connolly, Pa.	Himes	Montoya	Stafford
Cooper, Ohio	Hogan	Moore, Ill.	Stegall
Cooper, Wis.	Hudspeth	Moore, Ohio	Stiness
Copley	Husted	Morin	Stoll
Coughlin	Hutchinson	Mott	Strong, Pa.
Crage	Ireland	Mudd	Sullivan
Craunton	James	Murphy	Sweet
Darrow	Jefferis, Nebr.	Nelson, Me.	Tague
Davis, Minn.	Johnson, Wash.	Nelson, A. P.	Taylor, Ark.
Deal	Jones, Pa.	Nelson, J. M.	Taylor, Colo.
Dempsey	Jones, Tex.	Newton, Mo.	Taylor, Tenn.
Drane	Kahn	Nolan	Ten Eyck
Driver	Kelley, Mich.	O'Brien	Tilson
Dunbar	Kelly, Pa.	Opp	Tinkham
Dyer	Kennedy	Paige	Treadway
Edmonds	Ketcham	Park, Ga.	Tyson
Evans	Kless	Parker, N. J.	Vare



Vestal	Walters	Williams, Ill.	Wyant
Voigt	Ward, N. Y.	Wingo	Yates
Volk	Wason	Wise	Zihlman
Walsh	Watson	Wood, Ind.	

The SPEAKER. Two hundred and seventeen Members have answered to their names; a quorum is present.

Mr. CROWTHER. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER. The gentleman from New York moves that the House do now adjourn.

The question was taken, and the Speaker announced the yeas appeared to have it.

On a division (demanded by Mr. CROWTHER) there were—aye 30, noes 79.

So the House refused to adjourn.

Mr. LUCE. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

Mr. CROWTHER. Mr. Speaker, I am not satisfied with the vote. It does not show a quorum, and I make the point of order that there is no quorum present.

The SPEAKER. It does not take a quorum to adjourn. The gentleman from Ohio had the floor.

Mr. CABLE. Mr. Speaker and gentlemen, with reference to 1,596 votes absentee Democratic and 201 Republicans, I would like to call the attention of the House to the fact that this number was obtained by putting the officials of the various precincts on the witness stand. In 27 precincts those figures were obtained from Democratic hostile witnesses. In 20 cases the figures were obtained from Republicans and in 5 precincts the figures were obtained from both. In a great many precincts the absentees were put at the end of the list on the ballot in alphabetical order, and in that way the number could be ascertained. I first want to call the attention of the House to the case of a man named Charles T. Bostian. A vote was cast for Charles D. Bostian. The post office given on the envelope and inclosing the certificate and ballot was Morganton, N. C.; the postmark where it was mailed was Winston-Salem railway post office, which does not reach or touch Morganton, N. C., where Charles was confined in an insane asylum.

Mr. H. S. Bostian testified, on page 466, as follows:

Q. What man voted there that day, absentee voter, that was in the insane asylum at Morganton?—A. Mr. Charles D. Bostian.

Q. How did he vote?—A. Democratic ticket.

Q. Was that vote mailed in?—A. Yes, sir; I suppose so. The registrar had it.

Q. Have you got the envelope that the vote came in?—A. Yes, sir.

Q. Will you please exhibit it?—A. [Witness produces envelope.]

Q. Where is Morganton?—A. In western North Carolina; on the main line to Asheville.

Q. From Salisbury?—A. To Asheville; yes, sir.

Q. Does the Winston-Salem Railroad go toward Morganton?—A. I guess not. I think the terminus of that division is Pittsboro.

Q. From where?—A. Greensboro; by Winston-Salem and Wilkesboro.

Q. Is that the envelope that his vote came in?—A. Yes, sir. [Contestant introduces envelope, which is marked "Contestant's Exhibit 22."]

Q. Read what the postmark is on that.—A. "Winston-Salem railway post office."

This shows that a vote was cast for a man who under the testimony had no right to vote. In my opinion the envelope contained a forged Democratic certificate and Democratic votes were cast pursuant thereto. To conceal the identity of the forger the envelope was mailed in another part of the State. Later I expect to show numerous similar transactions.

Mr. GAHN. Mr. Speaker, I make a point of order that there is no quorum present.

The SPEAKER pro tempore (Mr. Hicks). The Chair will count. [After counting.] It is evident there is no quorum present.

Mr. GAHN. Mr. Speaker, I move that the House do now adjourn.

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

Mr. GAHN. Mr. Speaker, I demand a division.

The House divided, and there were—aye 35, noes 69.

So the House refused to adjourn.

Mr. LUCE. Mr. Speaker, I move a call of the House.

The SPEAKER pro tempore. The gentleman from Massachusetts moves a call of the House.

Mr. LUCE. Mr. Speaker, I rise to a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. LUCE. I understood before the motion to adjourn had been made that the Chair had decided that there was no quorum present.

The SPEAKER pro tempore. The Chair does not hear the gentleman.

Mr. LUCE. The Chair announced that no quorum was present, and in view of the fact that no quorum is present I move

that the Sergeant at Arms be instructed to secure a quorum, and I move a call of the House.

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

On a division (demanded by Mr. BEGG and Mr. LINEBERGER) there were—aye 87, noes 18.

So the call of the House was ordered.

Mr. KEARNS. Mr. Speaker, I move that the House do now adjourn.

Mr. RAMSEYER. Mr. Speaker, I make the point of order that that is dilatory.

The SPEAKER pro tempore. The Chair sustains the point of order. The Clerk will call the roll.

The roll was called, and the following Members failed to answer to their names:

Anderson	Edmonds	Kinkaid	Ransley
Andrew, Mass.	Evans	Kirkpatrick	Reavis
Ansorge	Fairchild	Kitchin	Reber
Anthony	Fairfield	Kline, N. Y.	Reed, N. Y.
Arentz	Favrot	Knight	Riddick
Atkeson	Fess	Knutson	Riordan
Bacharach	Fields	Kraus	Rodenberg
Bankhead	Fish	Kreider	Rogers
Barkley	Fitzgerald	Kunz	Rosenbloom
Beck	Focht	Langley	Rossdale
Bell	Fordney	Larson, Minn.	Rouse
Blakeney	Foster	Layton	Ryan
Bland, Ind.	Frear	Lee, Ga.	Sanders, Ind.
Bland, Va.	Free	Lee, N. Y.	Sanders, N. Y.
Boies	French	Lehbach	Scott, Mich.
Bond	Frothingham	Linthicum	Scars
Bowers	Fuller	McArthur	Siegel
Brand	Gallivan	McFadden	Smith, Mich.
Britten	Garrett, Tenn.	McKenzie	Smithwick
Brooks, Pa.	Garrett, Tex.	McLaughlin, Pa.	Snyder
Brown, Tenn.	Gensman	McPherson	Speaks
Burke	Goldsborough	MacGregor	Stafford
Burroughs	Goodykoontz	Maloney	Stegall
Burtness	Gould	Mann	Stiness
Butler	Graham, Ill.	Mansfield	Stoll
Byrnes, S. C.	Graham, Pa.	Merritt	Strong, Pa.
Cantrill	Green, Iowa	Michaelson	Sullivan
Chandler, Okla.	Griest	Mills	Sweet
Clark, Fla.	Griffin	Montoya	Tagge
Clarke, N. Y.	Haugen	Moore, Ill.	Taylor, Ark.
Classon	Hawes	Moore, Ohio	Taylor, Colo.
Cockran	Hays	Morin	Taylor, Tenn.
Codd	Henry	Mudd	Ten Eyck
Cole, Iowa	Hill	Murphy	Tilson
Cole, Ohio	Himes	Nelson, Me.	Tinkham
Collins	Hogan	Nelson, A. P.	Treadway
Connell	Hudspeth	Nelson, J. M.	Vare
Connolly, Pa.	Husted	Newton, Mo.	Voigt
Cooper, Ohio	Hutchinson	O'Brien	Volk
Cooper, Wis.	Ireland	O'Connor	Walsh
Copley	James	Olpp	Walters
Coughlin	Jefferis, Nebr.	Paige	Ward, N. Y.
Crago	Johnson, S. Dak.	Park, Ga.	Wason
Cramton	Johnson, Wash.	Parker, N. J.	Watson
Darrow	Jones, Pa.	Parker, N. Y.	Weuster
Davis, Minn.	Jones, Tex.	Patterson, N. J.	White, Me.
Deal	Kahn	Perkins	Williams, Ill.
Dempsey	Kelley, Mich.	Pertman	Woodruff
Dickinson	Kelly, Pa.	Petersen	Yates
Drane	Kennedy	Porter	Zihlman
Driver	Kiess	Radcliffe	
Dunbar	Kincheloe	Rainey, Ala.	
Dyer	Kindred	Rainey, Ill.	

Mr. KEARNS. Mr. Speaker—

The SPEAKER pro tempore. For what purpose does the gentleman rise?

Mr. KEARNS. To move that we adjourn.

The SPEAKER pro tempore. The Chair feels that that motion is not in order until an announcement has been made in regard to the roll call, which has not yet been completed.

Mr. KEARNS. Mr. Speaker, I understand the roll call has been completed.

The SPEAKER pro tempore. No; the roll call has not yet been completed.

Mr. BEGG. A point of order, Mr. Speaker.

The SPEAKER pro tempore. The gentleman from Ohio will state it.

Mr. BEGG. Is it not entirely possible to interrupt a roll call with a motion to adjourn?

The SPEAKER pro tempore. The Chair would think that until the roll call is completed and announcement made it would not be proper. The Chair will refer the gentleman to volume 5 of Hinds' Precedents, paragraph 6053, where it was so held.

Mr. KEARNS. Mr. Speaker—

The SPEAKER pro tempore. Two hundred and five Members are present; not a quorum.

Mr. LUCE rose.

Mr. KEARNS. Mr. Speaker—

The SPEAKER pro tempore. The gentleman from Massachusetts [Mr. LUCE] is recognized.

Mr. KEARNS. Mr. Speaker, I move that the House do now adjourn.

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

Mr. MONDELL. Division, Mr. Speaker.

The House divided; and there were—ayes 39, noes 107.

So the motion was rejected.

Mr. TINCHER. Mr. Speaker, I ask for the yeas and nays.

Mr. BEGG. Mr. Speaker, I make the point of order there is no quorum present. I object to the vote.

The SPEAKER pro tempore. The Chair will state to the gentleman from Ohio that it does not require a quorum on a motion for the adjournment of the House.

Mr. BLANTON. When the House decides not to adjourn a quorum call is in order.

The SPEAKER pro tempore. The gentleman made the point that there was no quorum present.

Mr. BEGG. I object to the vote on that account.

Mr. BLACK. Mr. Speaker, the gentleman has the right to ask for the yeas and nays on the motion to adjourn.

The SPEAKER pro tempore. Undoubtedly, and the Chair recognizes that right. The gentleman from Kansas asks for the yeas and nays. Those who favor taking the vote by yeas and nays will rise. [After counting.] Not a sufficient number, and the yeas-and-nays vote is refused.

Mr. BLANTON. Mr. Speaker, I make the point of order that the House having on a vote decided not to adjourn, the point of order raised by the gentleman from Ohio [Mr. BEGG] is in order; that there was no quorum on that vote, and he is entitled to a roll call after this no-quorum point.

The SPEAKER pro tempore. The Chair will state his views: On the motion to adjourn, the vote disclosed the absence of a quorum and the gentleman from Ohio [Mr. BEGG] made the point of order that there was no quorum present and objected to the vote on that ground. Under ordinary circumstances such a situation would have produced an automatic roll call, but the Chair is of the opinion that the automatic roll call was introduced into our legislative procedure for the purpose of expediting, not hindering, public business. As the roll has just been called a repetition of it would delay procedure. The Chair is also of the opinion that in order to put the automatic roll call into operation, some legislative proposition—not merely an adjournment—should be under consideration. The Chair overrules the point of order.

Does the gentleman from Massachusetts [Mr. LUCE] make a motion?

Mr. LUCE. Mr. Speaker, I move to dispense with further business under the call.

Mr. BEGG. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER resumed the chair.

Mr. MONDELL. Mr. Speaker, I move that the roll of absentees be called for excuses for absence.

The SPEAKER. The Clerk will call the list of the absentees.

The Clerk called the list of absentees.

The SPEAKER. Two hundred and twenty-three Members are present.

Mr. MOORE of Virginia. Mr. Speaker, my colleague, Mr. BLAND of Virginia, is unable to be present on account of sickness.

Mr. CRISP. Mr. Speaker, I ask leave of absence for my colleague, Judge BRAND, who is sick.

Mr. OLDFIELD. Mr. Speaker, I desire to announce the illness of my colleagues, Judge DRIVER and Mr. TAYLOR of Arkansas.

Mr. VAILE. Mr. Speaker, if leave of absence has not already been granted to my colleague, Mr. TAYLOR of Colorado, I ask leave of absence for him.

The SPEAKER. Without objection, the request of the gentleman from Colorado will be granted.

There was no objection.

Mr. OLIVER. Mr. Speaker, I think my colleague, Mr. BANKHEAD, has asked for leave of absence. He has had to leave for home this morning.

Mr. POU. Mr. Speaker, I would like to announce the illness of my colleague, Mr. CLAUDE KITCHIN, who can not be here.

The SPEAKER. Two hundred and twenty-three Members have answered to their names. A quorum is present.

Mr. GERNERD. Mr. Speaker, I ask for leave of absence until next Friday, on account of important business.

The SPEAKER. The gentleman from Pennsylvania asks for leave of absence until next Friday, on account of important business. Is there objection?

There was no objection.

Mr. MONDELL. I move that further proceedings under the call be suspended.

The SPEAKER. The gentleman from Wyoming moves that further proceedings under the call be suspended. The question is on agreeing to that motion.

The motion was agreed to.

Mr. CABLE. Mr. Speaker, I reserve the balance of my time, and I yield one minute to the gentleman from Ohio [Mr. MORGAN].

The SPEAKER. The gentleman from Ohio is recognized for one minute.

Mr. MORGAN. Mr. Speaker, the people of the country are very greatly interested in the protection of the health and educational development of children employed in industry. The press of the country is reflecting the sentiment of the people in this regard. A number of prominent organizations are going on record in favor of the pending Fitzgerald constitutional amendment, and I hold in my hand a resolution that was adopted by Columbia Typographical Union, No. 101, of Washington, D. C., which I desire unanimous consent to print in the RECORD.

The SPEAKER. The gentleman from Ohio asks unanimous consent to extend his remarks in the RECORD for the purpose indicated. Is there objection?

There was no objection.

Following are the resolutions referred to:

Resolutions adopted by Columbia Typographical Union, No. 101, at its regular monthly meeting held May 21, 1922.

Whereas Congress has on several occasions passed laws the intent of which were to prohibit the employment of young children in the cotton mills, mines, manufacturing establishments, and sweatshops of the country, and

Whereas such employment endangers their health, lives, and morals, is a disgrace to our Christian civilization, a flagrant injustice to the children, and an infamous crime against humanity and the welfare of the Nation, and

Whereas the Supreme Court has declared these several laws unconstitutional as an infringement of the rights of the States, and

Whereas Senator JOHNSON, of California, and Representative FITZGERALD, of Ohio, have introduced joint resolutions (S. J. Res. 200 and H. J. Res. 327) proposing an amendment to the Constitution of the United States to give Congress the power to regulate or prohibit throughout the United States the employment of children under 18 years of age; Therefore be it

Resolved, That it is the sense of Columbia Typographical Union, No. 101, that Congress should pass one of the proposed amendments during the present session, that the States should promptly ratify it, and thereby remove this horrible exploitation of innocent and helpless children.

That this resolution expresses the predominant sentiment of the country it seems to me there is no question. From the recent Supreme Court decision declaring the child-labor law unconstitutional, nothing remains but a constitutional amendment which will empower Congress to pass a child-labor law.

Hardly could there be found a subject closer to the hearts of the people and particularly to the mothers of this country than the enactment of a child-labor law which will regulate working hours and conditions in a manner that will protect the health and permit the educational development of children employed in industry.

I believe that legislators who preach American standards and ideals and who have promoted legislation for the regulation of interstate commerce in the interest of industrial welfare, can not fail, in the interest of humanitarianism and the future welfare of our country, to give such benefits to children as will protect our country against the destructive forces which are, through social, industrial, and governmental disturbances, tearing Russia and certain European countries asunder. Such conditions always follow undeveloped, unsound bodies and dwarfed intellects.

Labor to excess produces fatigue. By fatigue the physical powers of children are so weakened as to increase susceptibility to disease, immorality, and crime. Excessive work of children of tender years in many cases results in unsound bodies and undeveloped intellects.

If our system of Government is ever destroyed it will be from causes within and not from forces without. Oppression and greed must not be tolerated at the expense of the health and educational opportunities of future generations. This country must be maintained the land of equal opportunity.

Statistics reveal that in 1910 there were 1,900,225 children between the ages of 10 and 15 years employed in the United States on full time. They also reveal that there were 5,515,163 illiterates, of whom 1,650,361 were of foreign-born parentage. These statistics evidence the necessity of legislation which will overcome this condition. We have immigration laws requiring certain tests as to qualifications for entry in order that we may protect, as far as possible, our country against illiterate immigrants, and at the same time many States have failed to provide laws which would develop the standards required of



immigrants and against the destructive forces that naturally follow illiteracy and a weakened population.

We can not longer tolerate robbing children of their vitality, coining it into money and putting it into the pockets of those who are exploiting and devaluing them in sweatshops, mills, and factories, where duties are imposed beyond their physical endurance. What argument can these men advance? There is but one—that it means money to them.

It is exceedingly fortunate that there is a growing sentiment in the States that have adopted child labor laws in favor of strengthening such laws in a manner consistent with the welfare of the children employed and the perpetuity of the principles upon which our Government was formed.

A large manufacturer in Ohio, who has made a careful study of the operation and benefits derived from child labor laws, solicited me to cooperate in the promotion of a Federal law similar to the Ohio law. The Ohio law provides that no boy under 15 years and no girl under 16 years can be continuously employed, and a school certificate for all boys under 16 and girls under 18 is required. They can not be employed for more than 8 hours in 1 day or 48 hours in 1 week, nor before 7 a. m. nor after 6 p. m.

The American Bar Association some years ago recommended the adoption of a uniform child labor law by the various States. The Fitzgerald proposed constitutional amendment is in accordance with this suggestion and I believe it will be adopted and meet with universal approval.

Mr. MORGAN. I also ask that I be further allowed to extend my remarks in the Record on the subject.

The SPEAKER. Is there objection to the gentleman's request?

There was no objection.

Mr. CABLE. Mr. Speaker, I have reserved the balance of my time.

The SPEAKER. The gentleman from Ohio reserves the balance of his time.

Mr. LUCE. Mr. Speaker, will the gentleman from Louisiana [Mr. WILSON] please use his time?

Mr. WILSON. Mr. Speaker and gentlemen of the House, in my judgment there is not in many respects any more important business that comes before the House than the consideration and decision of an election contest. The law makes the House of Representatives the judge of the election and qualification of its Members; and, while this is a legislative operation, it is really a judicial proceeding, and a very serious obligation rests upon a Committee on Elections in presenting one of these cases to the House, because in most instances, just as it has happened in this case, there is a vast volume of testimony. In this record there are more than 1,600 pages that the Members of the House have not an opportunity to read, and they must take the record and the findings thereon as presented to them by the Committee on Elections.

I believe, if I may have the attention of the House for a few moments, I can convince you that the chairman of this committee [Mr. LUCE] has presented to this House a proper decision of this election contest. As was stated to you, when this case came before this committee a great many questions were involved, all of which have been abandoned except two. On the question of poll tax a vast volume of testimony was taken, and the committee was convinced that it made no difference in the result of the election, and so was the contestant convinced, and that was abandoned. The feature of registration was also abandoned, and the intimidation of voters was abandoned, and, as my good friend from Ohio [Mr. CABLE] told you a few moments ago, the whole thing depends upon the proper consideration and disposition of the absentee vote.

Now, the gentleman from Ohio [Mr. CABLE] would lead you to believe that the election laws of the State of North Carolina are unfair. I think it is quite impossible to find any State which has a fairer election law—one that would lead to more equitable results in an election where the people are divided into opposite parties—than that which exists in the State of North Carolina. Of course, we all know that the dominant party in any State is going to keep control of the election machinery when it is in power.

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

Mr. WILSON. I can not yield now.

The election law of the State of North Carolina is simply this: The Governor of the State appoints a State board of election officers of five members. Of this board three are of the majority party and two of the minority. If North Carolina should have a Republican governor, three of the board would be Republicans and two would be Democrats. As she has a Democratic governor, of course, three of the board are Democrats and two are Republicans.

Then that State board appoints county boards of election, each consisting of two members of the dominant party and one of the minority party. That would be true, no matter which party is in power. This county board selects officers in the various precincts throughout the State. One of those is the registrar of voters, naturally of the dominant party. One other is of the dominant party and one of the minority party. This Republican judge of elections is not selected by a Democratic majority of the board. The law makes it obligatory to select him on the recommendation of the chairman of the Republican committee of that county. So that in every phase of the election, from the beginning with the State board down to the place where the votes are polled and finally counted, each party has representation.

Now, when the registration is completed in that State, two opportunities are offered for challenge. The law sets a challenge date after the registration is completed and the books are thrown open to everybody. That day is fixed on Saturday, when everybody comes to town; so that, my friends, there is an opportunity afforded to challenge the public register of absentee voters and other voters whose names should not be on said list.

Another opportunity for challenge is on the day of the election, when the voter appears to deposit his ballot in person or when the absentee vote is opened. So in this election under the laws of that State the minority party has had representation at every step and every stage of the proceedings, with fair opportunity to challenge any name on the registration list. This record and the evidence in this case will show that in the entire district very few challenges were made by either party, and in only one precinct in the nine counties comprising the district did the Republican judge of elections fail to sign and certify to the correctness of the results as to Congressman.

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

Mr. WILSON. Yes.

Mr. CHINDBLOM. Does the law provide for the presence of a challenger or a representative of each party on the election day?

Mr. WILSON. Yes; the law provides that when the books are thrown open on this Saturday set aside as challenge day and known to all the people as challenge day, any man may challenge any name.

Mr. CHINDBLOM. I do not mean on Saturday. I mean on election day.

Mr. WILSON. On election day; yes. A full and free opportunity is offered to either party for challenge on either day.

Mr. CAMPBELL of Kansas. Will the gentleman yield for a question?

Mr. WILSON. Yes.

Mr. CAMPBELL of Kansas. I want to find out, if I may, was there fraud charged in respect to these absentee voters in this case; and if so, was there any fraud proved?

Mr. WILSON. I am coming to the absentee vote, because I understand from Mr. CABLE that he bases his whole case on that.

Mr. CAMPBELL of Kansas. I understand the question hinges on that.

Mr. WILSON. I doubt if you could show a dozen votes altogether where as a legal proposition the voter was not qualified. The committee failed to find any considerable number.

Mr. BOX. That is of the absentee voters.

Mr. WILSON. Of the absentee voters. Now, my friend from Ohio [Mr. CABLE] says the whole thing hinges on that feature and that the entire absentee vote should be set aside, and that if you do that Doctor Campbell will have a majority of something over 317.

Mr. CAMPBELL of Kansas. Set aside on account of fraud, or for what reason?

Mr. WILSON. The minority views of the gentleman from Ohio [Mr. CABLE] say they should be set aside for the reason that the truth can not be deduced in relation to the absentee vote. That is what he says and that is what his report says. Now, when a man comes to this House sitting as a jury with a proposition like that, contending that there is a large percentage of the votes that should be cast out and thereby the result of the election be changed, the obligation, of course, is upon him to convince the House that that is true. In his statement he says that the absentee vote should be disregarded. I am sure the House understands that. In its minority views he goes on and gives the number of votes, and says:

But the absentee votes included above are "so tainted with fraud that the truth can not be deductible therefrom." The ratio of the absentee votes of Doughton and Campbell tell their own story, 1,596

to 201, respectively. Without this absentee vote Campbell wins by 317 votes. In Iredell and Rowan Counties Doughton received a total of 1,041 to Campbell's 87, or 12 to 1. The illegal absentee votes can not be separated from the legal, and all absentee ballots should therefore be rejected.

Mr. RAKER. Will the gentleman yield for a question right there?

Mr. WILSON. No; I can not yield.

Mr. RAKER. All right.

Mr. WILSON. Now, that is offered solemnly to this House as the entire absentee vote of that district, because you would not be willing to take one-third or one-half of the absentee vote and cast it aside and leave the other standing. But these minority views of the gentleman from Ohio [Mr. CABLE] and everything that has been said by him would lead this House to believe that that is the whole absentee vote—1,596 Democratic and 201 Republican. What are the facts? In this district there are nine counties. Six of them went Republican, and in four of those counties that went Republican not one absentee vote is asked to be thrown out. There are absentee votes in every county. So I say it is not fair to this House to come here and put down a certain number as being the total absentee vote of this district, and say that this whole election should be settled by casting out, as Mr. CABLE says in his speech and in his report, all the absentee votes, when in four of the counties not one absentee vote is named or referred to.

Mr. CABLE. Will the gentleman yield?

Mr. WILSON. I will yield in a minute.

Mr. CABLE. I just want to ask about the absentee vote, and ask you if there is anything in the record concerning any of those counties, and whether Mr. Doughton made any effort to get the evidence as to that vote from any of the other counties?

Mr. WILSON. That is a strange thing to ask of a defendant in a lawsuit, to charge on behalf of the plaintiff that all the absentee votes should be cast aside, and then come here and say that Mr. Doughton, the defendant, has not shown that the absentee vote should be cast aside in the four counties concerning which there is not a line of testimony.

That is not all. Take Rowan County, for instance. The gentleman from Ohio [Mr. CABLE] says you should take out 518 absentee votes from Rowan County and names the precincts from which they should be taken. And in like manner for the five counties that make up the 1,596 votes. What is the fact about Rowan County? There are 11 precincts named in that county as having 518 absentee votes that should be taken out, but he did not tell the House that there are 28 precincts in Rowan County, 17 of which were not considered and most of which went Republican, where he has not asked you to take out a single absentee vote. Is that fair to the House? And the same thing is true of the other counties—for instance, the county of Caldwell; there are 17 precincts in that county and the absentee votes are given as to 12 of them only.

Mr. CABLE. Will the gentleman yield?

Mr. WILSON. Not at present. How are you going to cast out all the absentee votes of Rowan County, with 28 precincts, and not a single absentee vote referred to in 17 of them? How are you going to do that for Caldwell County, where there are 17 precincts with only 12 in which the absentee votes are given?

Mr. CABLE. Will the gentleman yield now?

Mr. WILSON. No; not until I get through with my line of argument. Then there is Ashe County. There are 16 precincts in that county, and 8 precincts only are presented in the record making up this case as to absentee votes. The next is Stanley County. There are 15 precincts in that county, and if you will examine the minority views there are only 4 precincts in that county in which they ask you to consider the absentee vote. So, if you will just ask the gentleman from Ohio [Mr. CABLE] to live up to the proposition that all the absentee votes are to be cast out, you will find him unable to do so. He asks you to take just those particular precincts that went Democratic which are counted here, to reject the absentee vote. Now, I say that is not fair to the House or either party to this contest. Why, it is not over one-third of the absentee votes in that district in which over 64,000 votes were cast. Less than one-third of the precincts in the district are considered.

Mr. CABLE. Will the gentleman yield?

Mr. WILSON. Not until I get through with this particular question. So that the 1,596 and 201 absentee votes come out of the consideration of less than half of the vote of the district. This plea for the rejection of the absentee vote comes about in this way: You are given a definite number of votes that should be cast out. You would not be authorized under the law to do that unless those votes were shown to be fraudulent. No attempt is made to do that. When absentee votes are sent in at 3 o'clock under the law, these absentee votes are opened up

and deposited as directed by law. If the name of the voter is on the registration book, his ballot is voted as indicated by him. If a man votes a straight party ticket, he may send a certificate stating that he desires to do so. The judges of election put the ballots in the box. Neither the certificates nor the ballots are preserved under the law of North Carolina unless the latter are signed by the voter, but, whether they are or not, it has been decided by this House and by every court in the country that you can not penalize the voter by the failure of the election officer to file a certificate after the vote has been put in the box.

Certain requirements under an election law are mandatory as to the voter; for instance, he must register, he must be present on election day, or, if absent, meet the requirements of the election law in order to have his ballot there. All such matters are within the control of the elector and provisions of the law in relation thereto are mandatory as to him, and the failure to reasonably comply therewith forms a sufficient basis for the rejection of his ballot. But after the elector has complied with these requirements and cast his ballot, or taken the steps necessary to have his ballot deposited, then, after that, the provisions of the law affecting election officers in order to have a correct return of the result made are simply directory as to the voter. Hence the failure of the election official to keep a proper record or to return any kind of certificate in connection with the record has never been held to invalidate the vote or to disfranchise the elector. To hold otherwise would place it within the power of election officials to make ineffective our system of election by the people.

Now, I want to say one thing further about the absentee vote. The gentleman from Ohio [Mr. CABLE] will not contend that what he has presented is all the absentee vote in the district.

Mr. CABLE. Will the gentleman yield?

Mr. WILSON. I will.

Mr. CABLE. I want to ask the gentleman whether he is arguing upon what is in the record or is out of the record.

Mr. WILSON. I am arguing upon what is in the record. There are 28 precincts in Rowan County, and the gentleman has given the count in 11, stating that all absentee vote ought to be deducted.

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

The SPEAKER. The gentleman from New York makes the point that no quorum is present. The Chair will count.

Mr. CROWTHER. Mr. Speaker, I withdraw the point.

Mr. WILSON. Mr. Speaker, how much time have I remaining?

The SPEAKER. The gentleman has 13 minutes.

Mr. WILSON. I think the House must be satisfied that it has no opportunity to consider the entire absentee vote. This tabulation in the minority report is copied exactly from the brief of the contestant in this case. An inspection of pages 35, 36, and 37 of the plaintiff's brief will verify this statement. So there is no question raised by the minority report that was not presented to the committee and had its full and careful consideration.

I believe that I can also convince this House that the testimony in respect to even these 1,596 votes for Doughton and 201 for Campbell, which are offered as being fraudulent votes, is entirely unreliable. There seems to be some confusion as to how the absentee vote comes in.

This testimony relied upon to prove this small portion of the absentee vote is fraudulent is not reliable. In the county of Rowan, for instance, take Spencer precinct. It is claimed by the minority report that 70 should be taken from Doughton and 10 from Campbell. You are solemnly referred to page 419 of the record for evidence by which to do that. Now, here is a Republican judge of election on the stand:

Q. Your name is J. Lee Armstrong?—A. Yes, sir.

Q. Where do you live?—A. Spencer.

Q. State whether you were for a while on the 2d day of November last a Republican judge of election at that place?—A. Yes, sir; I relieved Mr. Dorsett. I don't know the exact time. Some time between 2 and 3 o'clock.

Q. State whether you were sitting as judge at the time the absentee ballots were opened?—A. I was.

Q. Who opened the envelopes?—A. The registrar, Mr. Cruse.

Q. Do you know how many were opened?—A. No, sir; I don't know the exact number. I can give you the approximate number. There were as many as 80 absentee votes.

Of course, he could not know the exact number because these votes had been put in the box and mingled with the others, and the witness was testifying several months after the election. I think he was testifying very frankly.

Q. Do you recall whether they were actual absentees or persons present in the precinct and ill?—A. Quite a number were persons present in the precinct and ill.



In other words, the absentee voters are not necessarily out of the State; they may be in the precinct and unable to get to the polls.

Q. What proportion of the absentee congressional ballots was for Mr. Doughton and what proportion for Mr. Campbell, approximately?—A. I think there was 10 for Mr. Campbell and as many as 70 for Mr. Doughton. I am not positive about that. That is an approximate statement.

That is all of the testimony there is on that question, and yet we are asked to take out 70 votes for Doughton and 10 from Doctor Campbell.

Mr. RAKER. Will the gentleman yield?

Mr. WILSON. Yes.

Mr. RAKER. Under the law of North Carolina can a man vote, is he entitled to vote, by sending it in as you describe it?

Mr. WILSON. Yes.

Mr. RAKER. That being the case, where is there anything to show that the votes cast were fraudulent votes?

Mr. WILSON. There is not anything in this record; there may be a half dozen instances.

Mr. RAKER. Who is to blame for the counting of those absentee votes which the law says must be counted?

Mr. WILSON. There is nobody to blame. The law says they must be counted.

Mr. BROOKS of Illinois. Mr. Speaker, will the gentleman yield?

Mr. WILSON. Yes.

Mr. BROOKS of Illinois. The gentleman said a man might vote by certificate or by ballot.

Mr. WILSON. Yes.

Mr. BROOKS of Illinois. Does that have to be sworn to under the law?

Mr. WILSON. The certificate does; yes.

Mr. BROOKS of Illinois. Does the ballot?

Mr. WILSON. No. He sends his ballot in just as he wants it voted, with a certificate, duly attested, showing that he is a qualified voter.

Mr. BROOKS of Illinois. If he lives in a precinct and is sick, does that fact have to be sworn to?

Mr. WILSON. I am not so positive about that.

Mr. CABLE. If the gentleman will yield me, I can answer the question. When a man is sick he is supposed to file a statement, an affidavit, with his certificate or ballot, but when he files a certificate with the ballot, that does not have to be sworn to.

Mr. WILSON. Take Mount Ulla precinct, where there are 10 taken from Mr. Doughton and none from Mr. Campbell. I quote from the testimony in that case; N. R. West on the stand.

Q. Where do you live?—A. Near Mount Ulla.

Q. Were you connected with the election last November?—A. I was one of the judges.

Q. And assisted in holding the election?—A. Yes, sir.

Q. Who were the other election officials?—A. John K. Goodman was the other judge and Mr. Price Sherrill was registrar.

Q. They were Democrats?—A. Yes, sir. I was Republican judge.

Q. How many absentee votes were cast there?—A. Seven or eight or ten.

Q. Do you know how they voted?—A. All Democrats.

Right under that is Enochville precinct. A. J. Sloop is on the stand. He was the judge. He was asked the question how many absentee ballots, and he replied:

A. I reckon about eight or nine or something like that.

Q. Republican or Democratic?—A. They were about half Republican and half Democrat.

That precinct is not mentioned where they solemnly tell you it is your duty to take out all of the absentee votes. That is the way the record runs. There is no positive testimony.

Here is another one at East Salisbury. That is a place in which there is something like 100 votes to be taken off Mr. Doughton, according to this brief. The witness, J. L. Austin, was asked:

Q. Were you present on election day?—A. Yes.

Q. Do you know how many absentee votes were cast in this ward on that day?—A. Between 75 and 100.

Then they ask you to take 100 votes from Mr. Doughton. The testimony will run like that all through the record. So many votes "I think," so many votes "I estimate." That is the case even in those precincts which are put down here and in which you are asked to take the vote away without showing that the electors are disqualified. I say that it is not fair to this House to come up and ask you to decide an important election contest on testimony on which you would not render a judgment in the justice of the peace court for any amount of property, because it is unreliable, even though you take this small portion of the vote accounted for.

Mr. HARDY of Texas. Mr. Speaker, will the gentleman yield?

Mr. WILSON. Yes.

Mr. HARDY of Texas. Do I understand, where the vote shows 75 or 100, that the position of the contestant is that you should take off the whole 100?

Mr. WILSON. That is the way it is in this copy that is made from the brief, written for the contestant, and which is copied verbatim in this report, except that the report does not refer you to the page on which you will find the testimony.

Mr. DAVIS of Tennessee. Which report?

Mr. WILSON. The minority report.

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

Mr. WILSON. I will yield in a minute. Here is another case. Take the question of Chestnut Hills precinct. The registrar is on the stand—

Q. How many absentee votes in that township?—A. Twenty, twenty-five, or twenty-eight.

Now, you are asked to take off the 28. Why, gentlemen of the House, even if this report represented all of the absentee votes, and you felt that if you had sufficient testimony to satisfy you that you ought to deduct the entire absentee vote of that district, you have absolutely nothing on which to rest your verdict. Then, how can you reject the absentee vote without knowing its extent and without evidence to support the charges against a portion of it?

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

Mr. WILSON. Less than one-half of the precincts in some of the five counties named are accounted for, and there are absentee votes in every one of those omitted. In four other counties the House is given no information at all about the absentee vote. In the counties which gave larger Republican majorities in the district, the absentee votes are omitted from the minority report.

The SPEAKER. Does the gentleman yield?

Mr. WILSON. Not at present. You are asked to render a verdict on a charge in a report which says that all absentee votes should be deducted, and which leads you to believe that 1,596 to 201 constitutes all of them. But even if that were true, the burden would be upon the contestant in this case to show that those people were not qualified to vote. A great deal is said about the percentage of absentee votes being larger for Mr. Doughton than for Mr. Campbell. The record will show as it goes that the percentage was larger, I think; that there were more absentee voters in Washington who were Democrats than Republicans. I think that I can account for that. We had just been through eight years of Democratic administration. Many deserving Democrats in North Carolina had been sent to Washington to hold jobs, and if this administration does what it is likely to do, and what it probably ought to do, many of those Democrats will be back in North Carolina following civil pursuits, and in the next election that situation will be reversed. There is no testimony to show that these voters were disqualified. Republican witnesses show that many of them were ill, many of them were in Washington, many were off teaching school, young men in college and engaged in other pursuits.

If a majority of these voted for a Democratic candidate they had a perfect right to do so. If they were not qualified electors the burden was upon the contestant to prove that. The record contains no such proof. When we speak of absentee voters in North Carolina it does not follow that they are all absent from the State, and it is admitted in this record that many of those votes were cast by people in the State, in the county, and within the precinct on election day, being persons ill or physically unable to go to the polls. I can not believe that the contestant would seriously ask you to disfranchise these people and reject their votes, or to pursue that course in relation to the absent worker, the school teacher, or the traveling salesman.

Now, the chairman of this committee has given you a fair and clear report in this case. He has considered and reported upon all the issues involved, I believe, according to the law and the evidence. I want to say one other thing to this House. Each Member here, I am sure, wants to decide this case upon its merits, and without partisan bias or prejudice. The facts are that only the members of the committee have had the opportunity to make a full investigation and to know what facts are established by the evidence. The report of the chairman, Mr. LUCE, and the speech he has just made, set forth very clearly the findings of the committee, with the exception of the gentleman from Ohio [Mr. CABLE], in this case.

Mr. CLOUSE. Will the gentleman yield?

Mr. WILSON. I will.

Mr. CLOUSE. This question is somewhat troubling me. Does the gentleman think this Congress ought to place the stamp of approval upon the State of North Carolina, or any other State, that has a statutory provision with respect to

the qualification of the voters, such as having paid the poll tax in advance of the election? Do you think we should do that?

Mr. WILSON. That raises a very serious question, as the chairman stated, as the gentleman no doubt refers to the fact that both parties in North Carolina waived the poll-tax provisions of the constitution and no challenges were made on account of nonpayment of poll tax.

The SPEAKER. The time of the gentleman has expired.

Mr. DOUGHTON. I yield the gentleman two additional minutes.

Mr. WILSON. Both parties agreed to do that. -It is true that poll taxes were not required. This law was never popular in North Carolina and has since been repealed. We went into that very thoroughly, and, as the chairman told you, the poll-tax proposition would not change the result of the election.

Now, in respect to this agreement by parties and candidates in North Carolina to waive the provisions of the law regarding the payment of poll tax, we are not called upon to discuss the effect of such waiver generally. But the courts in some cases have held that a candidate for office who has been a party to a waiver of this kind before an election is held, and after taking the chances of securing the benefits resulting therefrom, can not afterwards be heard to contest the election on that account. In other words, he is estopped by his own act.

Mr. CLOUSE. Following this line, would it not be possible, if we approve of such conduct as that, the leaders of the party might go down there and say we will permit children to vote?

Mr. WILSON. We are asked to pass upon that question.

Mr. CLOUSE. But might it not encourage them to do that very thing?

Mr. WILSON. We are not passing upon that question, and that would have no effect upon the result of this election.

I know in one of the counties they had a biparty treaty to waive the poll tax provisions of the law. It was reduced to writing and the plenipotentiaries of both parties signed and ratified it without reservation. This was understood and consented to by all the candidates. After this I do not believe a candidate should be heard to contest the election on account of nonpayment of poll tax. Apparently this view has been adopted by the contestant, or at least that is not a matter of contention here, according to the minority report.

So, Mr. Speaker, if the only question to be considered by the House in relation to this contest is the absentee vote, I respectfully submit it is entirely impossible to pass an intelligent judgment upon that issue, under the evidence submitted.

The gentleman from Ohio [Mr. CABLE], who filed this minority report, and who is contending that the result of this election, as found and certified to by the sworn officials of North Carolina, be set aside and changed and that the findings of the Committee on Elections and the report made by the chairman thereof be reversed, can not inform you as to what this absentee vote is. In his minority report in respect to this vote he sets forth that the absentee vote amounts to 1,596 for the contestant, Doughton, and 201 for the contestant, Doctor Campbell, and publishes therewith a tabulated statement from five of the nine counties of the district. In these five counties there are 95 precincts. In making up this statement only 54 precincts are considered and the testimony as to the absentee vote in those is based upon guesswork and mere estimate. This is said without any criticism of the witnesses who testified, for the evidence was taken several months after the vote was counted, and they could not reasonably be expected to remember the number of absentee voters at their precincts. We are entirely without testimony as to 33 precincts in the five counties referred to and as to all the precincts in the other four counties, yet there were absentee votes involved in each and all of them. To be more exact the total vote polled at the precincts where testimony was taken at all in relation to absentee voters is 28,651, while that at the precincts where no testimony was taken and at which the House has no opportunity to consider the absentee vote at all amounts to 36,039.

Under the law and under an unbroken line of precedents established by this House the burden of proof rests upon the contestant to establish his cause by at least a fair preponderance of the testimony. In this case he has not only failed to do that but omits to furnish any proof at all in respect to the absentee votes cast at a majority of the precincts, involving about 60 per cent of the entire vote cast. So I repeat that if the House should desire to decide this whole case on the absentee vote, as it is urged to do in the minority report, it would be unable to do so for the want of proof as to what that vote is. However, the request to do this is entirely unreasonable because the laws of North Carolina, as do those of 43 States in the Union, authorize absentee voting. The absentee votes in this

district were cast and counted after a full and fair opportunity was offered for challenge on the day fixed by law and also upon election day. The unchallenged vote received by the sworn officials of both parties is admittedly correct. I therefore respectfully submit that the majority report of the committee should be adopted.

Mr. LUCE. Does the gentleman desire to consume more time on that side now?

Mr. DOUGHTON. Let Mr. CABLE use some of his time.

Mr. CABLE. I have only myself and one other speaker.

Mr. DOUGHTON. How many more speeches have you on that side?

Mr. CABLE. Myself and the gentleman from North Carolina, Mr. Campbell.

Mr. DOUGHTON. There is only one on this side.

Mr. MONDELL. Mr. Speaker, gentlemen seem to have some difficulty in determining about going on this afternoon, and I doubt the possibility of maintaining a quorum under the conditions that exist, and I move that the House do now adjourn.

The SPEAKER. Will the gentleman withhold that for a moment?

Mr. MONDELL. I will.

#### LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. JONES of Texas (at the request of Mr. LANHAM), for May 26 and 27, on account of official business.

To Mr. BLAND of Virginia, for the day, on account of sickness.

To Mr. BANKHEAD, indefinitely, on account of important business.

To Mr. ARENTZ, for an indefinite period, on account of business in his home district.

To Mr. SCOTT of Michigan, for 10 days, on account of business.

To Mr. A. P. NELSON, indefinitely, on account of death in family.

#### POST OFFICE APPROPRIATION BILL.

Mr. MADDEN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Post Office appropriation bill, to further insist on the disagreement to the Senate amendments, insist on the amendment of the House to Senate amendment No. 58, and agree to the conference.

The SPEAKER. The gentleman from Illinois asks unanimous consent to take from the Speaker's table the Post Office appropriation bill, to further insist on the disagreement to the Senate amendments, insist on the House amendment to Senate amendment No. 58, and agree to the conference. The Clerk will report the bill by title.

The Clerk read as follows:

A bill (H. R. 9859) making appropriations for the Post Office Department for the fiscal year ending June 30, 1923, and for other purposes.

The SPEAKER. Is there objection?

Mr. GARNER. Reserving the right to object, is this agreeable to the minority Member?

Mr. MADDEN. Yes, sir.

The SPEAKER. The Chair hears no objection and appoints the following conferees.

The Clerk read as follows:

Mr. SLEMP, Mr. MADDEN, and Mr. SISSON.

#### EXTENSION OF REMARKS.

Mr. SANDERS of Texas. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by having printed in small type an article prepared by the commissioner of the bureau of markets of Texas on the subject of grading and marketing cotton.

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. SANDERS of Texas. Mr. Speaker, under permission heretofore given I submit an article on the grading and marketing of cotton, prepared by the Hon. Charles E. Baughman, commissioner of markets and warehouse department of the State of Texas.

The article is as follows:

The cotton growers of the United States, because of reduced demand for raw cotton, need to give more thought to methods of planting, harvesting, and marketing this great staple crop.

Every farmer might well afford to undertake to produce the present average crop on half the number of acres now planted, but get away from the idea of making "two blades grow where one is now grown." Take care of the one already grown in a fair profit added to cost of production.

This bulletin is intended to be educational—an appeal to business and professional men and the producers of the world's cotton crop, to take steps to have corrected some of the long existing evils surround-



ing the system of price fixing, and more especially to acquaint the people with the unfair methods of arranging differences as regards our low-grade cotton.

Not an appeal to prejudices but to the higher and better judgment of well-meaning men who have at heart the betterment of all our economic conditions.

The Federal Government has established standards for grades, and these standards have been likewise adopted by this department, and we believe it within the province of the Federal Government to promulgate differences in accordance with fair governmental mill tests, which have been made, and which are representative of every grade, and every section of our cotton producing area.

Let us back our efforts by sober thought, earnestness of purpose, and determination to bring about relief for the man who toils in the field in an effort to produce the basis of the world's clothing supply.

COTTON VALUES.

Since the origination of the different grades of cotton recognized today by the trade there has been more or less diversity of opinion as to how much premium value should be added for the grades above the middling type or how much discount should apply for the grades below that type.

The trade has been guided by what the demand was for relative grades, making the values for them from such bases, yet such a fact does not argue that such conclusions are correct; that is, values obtained in that way are not evidences of intrinsic worth. There is a true value to every relative grade, or half grade, of cotton if the fact establishing it can be found, and apparently no better way can guide us to that conclusion than by going to the cotton mills for it. Tests made in such manner shows variations in percentage of the same grade, but if a number of them are taken an average can be drawn, which should give a fair valuation from any middling base.

This is an old story, but it has new features to which the attention of the public is called; not to the daily fluctuations that we constantly experience but to the wide difference between the values made arbitrarily by the cotton trade and those shown by actual tests made in milling the staple.

To be fair and just in the matter averages have been made between the highest and lowest mill tests for conservative reasons, as herein-after explained. Tests were made at Clemson College in its textile department in 1912 and showed an average for mill waste to be for: G. M., 12 per cent; St. M., 12.5 per cent; M., 13 per cent; St. L. M., 13.75 per cent; L. M., 14.75 per cent; St. G. O., 16 per cent; G. O., 17 per cent.

These tests were not constant in results; that is, one sample of middling might show a loss of only 6 per cent, while another would go as high as 12 per cent, practically the same variations existing in all the relative grades by reason of the fact of good or bad ginning, careful or careless picking, care, etc., of the cotton.

Tests made by the Bureau of Markets, Department of Agriculture, at West Raleigh, N. C., and Fall River, Mass., as given in their bulletin No. 591, December 26, 1917, exhibited variations on tests similarly as those shown at Clemson College, but the percentage of loss as mill waste was not so great.

Tests made by this department were on cotton from every part of the cotton belt and on that of 15/16 to 1 inch staple. The grades tested were for middling fair, good middling, middling, low middling, and good ordinary. Averaging the table on page 10, Bulletin 591, results in the percentage of loss in mill waste to be for G. M., 5.50 per cent; middling, 7.31 per cent; L. M., 8.48 per cent; G. O., 11.37 per cent; the other grades intervening between these given have been added by the writer, shown below, as stated, to be conservative. These departmental percentages have been added to those of Clemson College, from which a new average has been drawn, showing for the following to be for: M., 10.20 per cent; St. L. M., 10.90 per cent; L. M., 11.60 per cent; S. G. O., 13.00 per cent; and G. O., 14.50 per cent; and from these latter figures the following comparative statement is made for clearly elucidating the idea intended:

M. basis 16 cents per pound, 500-pound bale.

MILL DIFFERENCES IN POUND AND VALUES.

Loss in weight refining and spinning.	Additional loss over middling.	Loss in values—mills.	Trade differences, pounds values.
<i>Per cent. Pounds.</i>	<i>Pounds.</i>		
Mid..... 10.20=51.....			
St. L. M..... 10.90=54½.....	3½	\$0.56	\$5.00
L. M..... 11.60=58.....	7	1.12	11.25
S. G. O..... 13.00=65.....	14	2.24	16.25
G. O..... 14.50=72½.....	21½	3.44	21.25

NOTE.—Mill waste is the loss thrown out of a bale of cotton during the process of manufacture, and consists of the leaf trash, stems, mote naps, short fibers, dust, dirt, etc.

"Trade differences" means the above and below middling basis method of arriving at the price to pay.

The mill waste for the grades below middling is calculated on the excess number of pounds below that grade, while the trade discounts are taken from the official quotations given by United States Weekly Bulletin No. 101, February 6, 1922, for the Texas district.

From the records I am unable to obtain any history showing where cotton-manufacturing concerns ever attempted to dictate the relative prices they should pay for cotton, basing such purchases upon the mill-waste value for the different grades, hence the inference is they do not care to make purchases of raw cotton this way, preferring to hold to the practices of the trade, using the arbitrary differences as made by it, giving the advantage of making purchases for less than the intrinsic value of the lower-grade cotton.

Comparing the two, it would seem an agreement could be reached between the spinner and the grower, or the spinner and the trade buyer, to handle cotton at its intrinsic value and not on arbitrary prices as practiced to-day.

If it be conservative to say that a loss of only 3½ pounds exists between middling and strict low middling, as a mill waste, that its value as a loss at 16 cents a pound is 56 cents on a bale of cotton, justice in the matter would pronounce it absurd to discount a strict low middling bale of cotton \$5, as the trade now exacts. Reasoning upon the same line, as indicated by the comparative schedule made in the foregoing it will be noted that the loss from middling to low middling indicates 7 pounds, as a visible and an invisible waste, which on a 16 cents

a pound valuation equals \$1.12, while the trade penalizes it around \$11.25.

These trade discounts vary often, but nowhere do I find them ever coinciding in value with the physical losses made at the mills.

Should it be contended that the value for the lower grades is more than shown in the statements made here, for corroboration of these statements I refer again to Bulletin No. 591, December 26, 1917, page 11, from which I have made an average resulting in showing that for low middling the loss in mill waste is 8.78 per cent; for good ordinary, 12.42 per cent. Taking middling as showing a loss of 7.57 per cent, with the average loss between it and strict low middling, its equivalent is 8.18 per cent, and reckoning in the same manner the different percentage loss for strict good ordinary is found to be 10.60. Placing these figures in a tabular form the comparative percentages shown are for—

Mill differences in pounds and values compared with those of trade middling basis, 500-pound bale.

Mill differences and waste value.	Added loss.	Trade differences.
<i>Per cent. Pounds.</i>	<i>Pounds.</i>	
M., 16c..... 7.57=37.85.....		
S. L. M..... 8.18=40.90.....	2.05=\$0.328	\$5.00
L. M..... 8.78=43.90.....	6.05= .968	11.25
S. G. O..... 10.60=53.00.....	15.15= 2.42	16.25
G. O..... 12.42=62.10.....	24.25= 3.88	21.25

This table is made up from a Government source exclusively, a review of which demonstrates that the loss for mill waste is less than that shown in the preceding table, made from an average of the results of the Clemson College tests combined with that of the Federal Government.

It may be well to state that in making these scientific tests some of them divulged the fact that practically no difference existed between middling and strict low middling, while in others tested for mill waste on the same grades showed a wide departure therefrom.

A number of our Texas mills are manufacturing valuable articles very serviceable in character, such as heavy and light weight ducks, Osnaburgs, drills, heavy sheetings, shirtings, bedticks, denim, and a variety of wrapping twine, from cotton ranging in quality from middling to low ordinary, mostly strict low middling to good ordinary, inclusive, with sometimes an injection of a good class of bollies with other grades.

Statements from two Texas cotton mills interrogated say the loss for mill waste runs, on an average, around 17 to 17½ per cent, which on a 500-pound bale of cotton shows a loss of 85 to 87½ pounds. Comparing this with the preceding table declaring a loss of 37.85 pounds for middling, indicates a difference of 49.65 pounds, less for good ordinary, equaling a value of \$0.95, leaving a wide margin between that value and the trade discount of \$21.25, as shown.

It was found that the two Texas mills using the low grades of cotton mixed them very thoroughly before allowing them to enter the machines for fabrication into the finished product, and from the result of this mixing the percentage of loss was ascertained.

The percentage of mill waste is not an entire loss because of the fact, exclusive of the foreign substances thrown out, a mass of short fibers are caught, which find a market with concerns making hats, quilts, blankets, shoddy goods, rope, carpet, mattresses, cellulose, gun cotton, and many other articles of value, so the 10.20 per cent or any per cent given, shown in first table as a loss, does not finally result as such when brought to its final conclusion.

From the foregoing let me assume the prerogative to say that I hold to the opinion that a safe and sane line can be drawn, a base can be made upon which both buyer and seller can stand, meet each other fairly and squarely upon satisfactory terms, eliminate differences of opinion as to the relative lower grades, establishing a definite value for them, and forever bring harmony out of chaos.

This I suggest in the following, assuming and accepting middling as the base, recognizing at the same time the inconsistency or variability of the percentages of loss, conceding the greater losses, even discounting them, then designating the differences to be applied, for an accepted compromise the values will be as follows, say:

Middling, 16 cents, 500 pounds.	Intrinsic value.	Trade value.
<i>Pounds.</i>		
St. L. M..... 5=\$0.80	\$79.20	\$80.00
St. G. O..... 10= 1.60	78.40	75.00
G. O..... 35= 5.60	74.40	68.75
		58.75

In making the pound deductions I have discounted greatly the lowest discounts made in the foregoing mill waste, giving a definite number of pounds to be deducted for each grade, equivalent to saying that any buyer purchasing a strict low middling bale deducts 8 pounds; for low middling he will take off 15 pounds, etc., figuring the price at middling quotation for the pounds off, paying the seller at the same time full middling value, less the number of pounds off. It is apparent to me that if a definite number of pounds can be agreed upon for the relative grade discounts to be applied, the same publicly quoted, the grower as well as all interested can know at all times the worth of any character of cotton ready for the market, as the number of pounds off can be given instead of percentages.

The preceding summarizes in substance a guide designed to be safe for the purchaser, at the same time reflecting no great financial loss to the grower.

To determine with greater exactness a series of tests covering a period of several years should be made, and from them correct figures obtained for the true discount to apply; but in the absence of such figures I have assumed the responsibility to dictate the preceding, based upon the data given, and most earnestly solicit the assistance and cooperation of all desiring to see justice in the premises. This I do because the present practice of discounting the lower grades is, in my opinion, uneconomic, unwise, puts an onerous burden upon the back of labor, which can be taken off if those in authority will exercise the power vested in them and come to the rescue.

Mr. WILSON. Mr. Speaker, I ask unanimous consent to revise and extend my remarks on this contested-election case.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. SHELTON. Mr. Speaker, I ask unanimous consent to extend my remarks on the tariff and the prohibition question.

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. SHELTON. Mr. Speaker, this country has had many experiences on the question of tariff. I have thought it settled several times. It was not. It is one of the questions that is like Banquo's ghost. It will not down. In the beginning it was not a party question, and I believe it should not be now. It is said that among the first acts of the First Congress of the United States was a protective tariff act. And for many years its wisdom was never questioned. George Washington favored it. Thomas Jefferson, the denominated founder of the Democratic Party, and a man of whom any party or country could well be proud, in his first annual message to Congress in December, 1801, congratulated that body upon the revenue derived from the tariff duties and suggested that the internal taxes could safely be dispensed with and tariff depended upon for support of the Government and the payment of the public debt, and further suggested that the surplus funds could be used for internal improvement. Andrew Jackson while United States Senator from Tennessee voted for a protective tariff in 1824, and after he became President, when South Carolina refused to obey the tariff laws, sent General Scott with United States troops down there to see that the law was enforced. The noted Thomas H. Benton, United States Senator for 30 years from Missouri, said of the tariff law of 1816:

A free trade measure; no price for property or produce; no sales but those of the sheriff and the marshal; no purchasers at auction sales but the creditors or some hoarder of money; no employment for industry; no demand for labor; no sale for the products of the farm; no sound of the hammer but that of the auctioneer knocking down property; no medium of exchange but depreciated paper; no change even but the little bits of foul paper marked so many cents and signed by some tradesman, barber, or luncheon; exchange deranged to the extent of 50 or 100 per cent; distress, the universal cry of the people; relief, the universal demand, thundered at the door of all legislatures, State and Federal.

#### THE EFFECT OF TARIFFS.

It is impossible to enact a measure that will redound to the direct interest of every individual. It is the people as a whole that have to be considered. It is true that a protective tariff on the manufactured goods of the New England States does not help directly the agriculturalists of the South and West, but it does indirectly help them. It furnishes labor for the working people of the New England States, thereby creating a demand for the products of the South and West. In that way it helps them. The same is true of a tariff on agricultural products of the South and West. It shuts out foreign cheap labor products and stimulates agriculture to produce the necessary raw material for manufacturers. The manufacturing districts employ labor, creating a market for all the products of the country. It is and must be a reciprocal proposition. It is very difficult to understand how one who claims to be a protectionist can favor protection for himself and deny it to others. That is only a quasi-protectionist.

As has been said, the tariff should not be a party question. It is strictly a fundamental American principle. It will not be a party question much longer. The whole country has awakened to the fact that it is necessary to the prosperity of this country.

Put a tariff on the products of our country high enough that the foreigner can not send in his cheap labor products and undersell our home markets. That will open up the mills, factories, and mines, give employment to our people and a market for our home products. It is a recognized fact that in normal times we furnish a market for 90 per cent of all our products. If we will start up the industries of this country, give employment to our laboring people, furnish them with the means to buy 90 per cent of our products, we may throw the other 10 per cent in the fire, or give it to suffering humanity, and we will be many times better off than we are, or should be, by sending all of our products abroad and letting our home people be idle, naked, and hungry. We should not weep over the condition of our neighbor's children when our own are at our feet crying for bread. Charity begins at home. When we have cared for our own, then is the time to help our neighbors. We have always done so, and shall continue to do so. I contend that a man's first duty is at home, and that that is true of a nation.

It may be that some people can not understand the working of a protective tariff. It is also true that they can not under-

stand just how the water gathers in the heavens and comes down in rain, but they know that when such is true we have abundance of crops. The same is true of the protective tariff. When we have it, we have prosperity, as a rule. It is true that there are other disturbing elements that sometimes bring on national difficulties, but under a protective tariff administration they are much less likely to come, and are much easier to overcome.

I am a protectionist, pure and simple. I believe in it. I think it is good for every industry and every enterprise in the land that comes in contact with the products of cheap foreign labor. I do not favor protection for the manufacturer and free trade for the producers. I do not favor protection for the producers and free trade for manufactured goods; but I favor protection for the American industries, great and small. I want to protect the East, West, North, and South. America for Americans first. Would it work well for the producers' products to be protected and the manufacturers' not protected? Think for a moment just what the situation would be. Then again put your thoughts to working, and protect the manufacturer and the producer, and see what a happy combination that would be. The factories would be running, the mills and mines would be operating, the farmers would be producing, the carpenters would be building, and all labor would have employment, and wives and children would be singing and rejoicing all over the land.

#### AN ORGANIC BODY.

The Government of the United States is a vast organic body, composed of many organs, each having certain duties to perform. No body so constituted can give the best results without the cooperation of all its organs. What are those organs? They are many, the chief of which is the producing factor. Upon the production of the material out of which must necessarily be made the things that supply the needs and wants of mankind, lies the secret of success. To this must be added many others, namely, the manufacturing industries, the mining industries, the milling industries, the great common laborers, the business enterprises, the professional vocations of many kinds, all combine to make the great body of the machine that moves the wheels that bring success.

If any of those factors fail to function, the best results can not be obtained. What is necessary to move the wheels of progress? I think a uniform, well-regulated protective tariff is the greatest factor. By guaranteeing to the people the home markets it will start the manufacturing and other industries, they will employ labor; employed labor creates a demand, demand creates good prices, good prices stimulate industries of all kinds, thereby making the whole machinery work in harmony. When that is done, the story is told, and prosperity will reign.

I hope that the time may soon come when every man or woman who is elected to this House or the Senate may come with the avowed purpose of legislating for the whole country. We are all made of the same material. Our wants are the same and must be supplied if the country is to prosper. It is obvious that since the protective policy is fundamental to our prosperity it should not be subject to such radical changes as it always has to undergo every time our Government changes from one party to another. There is nothing that does more to insure the prosperity of our country than the stability of the principles and policies upon which the country's business is based.

It has been proven that under free trade or low tariff our imports are increased and that our exports are decreased. Can we prosper when the balance of trade is against us? Certainly not. Can an individual accumulate wealth when his expenses are greater than his income? It can not be done. Neither can a nation under such circumstances prosper.

Why can not we meet foreign competition? It is very clear if you will just think of the difference in the ways, habits, ideas, manner of living, and costs of production in many of the foreign countries and ours. It should not be said in a boastful spirit, but the American people are not going to subscribe to such conditions. In many of the foreign countries the climatic conditions are very different. They need but few clothes, and their accustomed food is a very simple diet and costs but little. It is different here, and we can not help it.

Let us draw a comparison; take the wool industry. In Australia it is said that a flockmaster can get forage for his sheep at 8 cents per head for a year; that no hay or other expensive feed is required. New Zealand is the same; Argentina is almost the same. How is it with the Western States of this country? There it costs from \$4 to \$8 per head to winter sheep. Wool can be shipped from those foreign countries to the eastern markets of this country cheaper than it can from the Western States. How can we compete with the foreign countries when such is true? It is clear that we must have a



tariff sufficient to equal the difference in the cost of the products of the foreign country plus freight and that of our own.

It was brought out in the hearings by the Ways and Means Committee of the House that there were eggs to the value of \$2,602,352 imported from China during the year 1920. Eggs can be produced in China at from 4 to 6 cents per dozen and can be sold here at 6 to 12 cents per dozen.

There are other countries from which eggs are imported, among which are Australia, Argentina, and others, all of which can produce eggs much cheaper than the United States. This is true because they can feed their hens much cheaper and can get girl labor at from \$5 to \$7 per month to care for their flocks. The same can be said of many other articles.

It is not the price that is put on the horse every time that prevents you from buying him, but the price that you have in your pocket. If the horse is priced at \$10 and you have not the \$10, you can not buy him. But if he is priced at \$100 and you have the \$100 you can buy. Destroy our tariff and you destroy our home market, destroy our home market and you destroy our prosperity.

It is a simple proposition. We had a creamery erected at our town, on the promise that the dairymen would patronize it and make it a success. For a while they did so and the matter went on all right. But soon some of the large creameries from a distance sent an agent into our town who began to pay more for the cream than the local men could pay and have a profit left. Thoughtless men began to sell to him, and soon the local creamery had to quit business. As soon as that was done prices began to go down in a hurry. It was not long till the gains were all gone and a loss sustained. This thing was repeated and again some stood ready to jump at the bait and suffered the same result. The same is true of the foreign and home markets. If we allow foreigners to come in and undersell us till they destroy our home markets, then they will use their opportunity and we shall have to pay for it.

My theory is to put our own house in order, produce all we can, use all that is necessary for home consumption, utilize our own capital, labor, and skill; then seek the best market possible for the surplus.

The main object of the Government is to promote the welfare of its citizens; not some of them but all.

Who are the real producers of the wealth of this country? There is no doubt about that; they are the tillers of the soil, the herdsmen, and the miners, chiefly. That means the men who labor in the heat and the cold, the rain and the sun, on the farm; the men who expose themselves to all kinds of weather in driving and herding their flocks of various kinds; and the men who go into the bowels of the earth and bring forth the various minerals and put them to man's use. The interest of those men should be safeguarded by an adequate tariff, properly adjusted.

"Truth crushed to earth will rise again." The once acknowledged tariff policy of our country is fast coming to the front again. The South, where once it was a crime to mention the tariff, is now fully awakened and is anxious to have its interests protected, that they may make their various industries profitable. They have had quite an experience in competing with foreign cheap labor and have realized the difficulty and now ask for a tariff, and are awake to its importance. Experience is the best teacher in the world. They have taken a course in its school. This fact is demonstrated by the organization of the Southern Tariff Association. Some of the best, most logical tariff arguments are made by men of the South, such men as Senators Broussard and Ransdell, of Louisiana, and John M. Parker, governor of Louisiana, besides many other able Members of the House on the Democratic side. The emergency tariff bill was supported by the following Democrats: Hudspeth, Parrish, Blanton, and Jones of Texas; Smithwick and Clark, of Florida; Dupré, Favrot, Martin, and Lazaro, of Louisiana; Lankford, of Georgia; and Deal, of Virginia.

At the first meeting of the Southern Tariff Association it passed a resolution, among other things saying:

Whereas it is apparent to even the casual observer of the trend of events that the present tariff laws will be revised and other laws enacted in their stead by the next Congress; this without reference to the result of the impending election; and

Whereas it is likewise apparent that such laws will be formulated as to result in the collection of huge sums of money, in the form of revenue, to satisfy the demands of Government and to supplant in large part the funds now realized from the payment of income and other direct taxes, and such policy will result in the fixing of heavy tariffs upon most, if not all, commodities; and

Whereas it has been established to our thorough and complete satisfaction that the various industries of the South are facing imminent ruin by reason of being compelled to compete with foreign producing countries, where the wages of labor are pitifully low and the cost of production comparatively slight, and are, therefore, in need of a tariff designed to compensate for the difference in the cost of production in this country and that in foreign countries; we especially direct atten-

tion of Congress to the importation of vegetable oils from the Orient and other foreign countries as the direct cause for the reduction in prices of cotton seed and peanuts below the cost of production to the producers and manufacturers of this Nation, who suffer jointly, and we demand a tariff that will adequately protect these industries from foreign competition with cheap labor of the farm and factory of the countries named. We particularly direct attention to this menace on account of the proportion, reaching, as it does, practically every farm in the South.

Whereas it is evident that unless a compensative tariff shall be levied, the southern producer must necessarily go out of business, to the certain ruin of those engaged in agricultural and other lines of production in the South, and to the manifest injury of the country at large: Now, therefore, be it

*Resolved*—  
First. That we pledge this association and all the organizations and individuals who are members thereof to do all within our power to properly place before the United States Tariff Commission, before the Ways and Means Committee of the House and the Finance Committee of the Senate, and before the Members of the House of Representatives and Senate of the United States the facts bearing upon the cost of production in this country and abroad, and all such facts as may be properly taken into consideration in the fixing of a tariff, to the end that such tariffs may be placed as will enable the southern producer to continue in business and to reap a reasonable profit as a result of his thrift and endeavor.

Second. That we earnestly request all of those interested in the production of southern products and all of its industrial leaders, and those interested in the prosperity of the South, to do all in their power to further the subjects herein expressed.

Third. That we particularly call upon the Members of the United States Senate and House of Representatives from the South to do all in their power to see that southern products receive the benefits incident to the levy of such duties as are herein indicated: Be it further

*Resolved*, That in the levying of tariff duties this organization is unalterably opposed to discrimination as between occupations, citizens, or sections of the United States; that it does not ask for favors in any form, but opposes favoritism in all its forms.

Why dally with fundamentals? Acknowledge their value and profit by their use. Pass a general tariff bill as soon as possible, that business may be revived and the people relieved.

I want to emphasize the importance of safeguarding and protecting the producers of our country. It is said by some that that would be class legislation. It would not. Legislation that will benefit the producers of our country is in the interest of every man, woman, and child in the land. No class can prosper long unless the producers succeed.

Upon them must depend the success and prosperity of our country.

The policies by which the manufacturers will be manufacturing, the producers producing, and the laborers laboring and buying the necessities of life are policies by which the country will prosper.

Let us have it.

#### WILL THE NATION RETREAT?

Mr. SHELTON. Mr. Speaker, Will the Nation retreat? After 138 years of devotion to duty shall it falter? Many clouds of darkness have enveloped it, many troubles that try the very souls of men have confronted it, but the spirit that led the forefathers to that victory which has ever filled the hearts of men and women that love justice has ever been present to guide the people aright.

Difficulty after difficulty has been overcome, victory after victory has been won, and after nearly a century and a half triumphing over obstacles and winning in every contest, shall we retreat? Can anyone, looking through the cycles of time, fail to see the hand of Divinity directing the destiny of this Nation?

The people of this country have a right to congratulate themselves upon having such a body of men as they did to lay the foundation of human happiness. Never in the history of the world was there a greater body of men than those who wrote the Declaration of Independence and the Constitution of the United States of America. Endowed with the highest and most exalted ideals that men ever possessed, they set their goal high and have never yielded to any difficulty that lay in the way of its achievement.

They were the first to hold that all men are created equal, in that they have a right to life, liberty, and the pursuit of happiness. They, therefore, declared themselves free from any power that denied those rights. The world knows the results.

#### ADOPTION OF THE CONSTITUTION.

After adopting a Constitution that guarantees the citizens of this country the greatest privileges of any people in the world, they proceeded to move forward in the world to higher planes. One achievement after another followed, one of which deserves special mention—the liberation of the slaves. That was another step toward the fulfillment of the declaration—

that all men are created equal; that they are endowed by their Creator with certain inalienable rights; that among these are life, liberty, and the pursuit of happiness.

After having liberated the slaves, and while meditating upon the great achievement, they realized that none were really free; that there was still a power that held the human family in

subjection. The great Lincoln, after seeing the shackles fall from the hands of the slaves, said:

I prophesied 25 years ago that the day would come that there would not be a slave or a drunkard in the land. I have seen the first part come true.

The power referred to was King Alcohol. Many tyrants ruled by the sword and the guillotine, but King Alcohol ruled by feeding the appetite while entwining the individual with a chain of irresistibility. The tyrants slew by the hundreds and by the thousands, while King Alcohol has slain his subjects by the millions.

Time works wonders. The people were slow to awaken, but once awakened they never slept till John Barleycorn was entombed. The same spirit that drove back the British forces and liberated the American people, knocked the shackles from the hands of the slaves, and put John Barleycorn in the tomb has put the women of our country in their rightful places among men, and is going on conquering and to conquer but never to be conquered. Will the people who have wrought such wonderful works and placed the American people on the highest plane of civilization that has ever been attained in all the world now retreat?

They tell us that prohibition is unconstitutional and can not be enforced, and to prove it they give instances where the traffic is going on. If that justifies the people in saying that we can not enforce prohibition and that we should not try, we had just as well throw the statutes in the fire and quit. The same reasoning will apply to murder, robbery, arson, rape, forgery, and all other crimes. Is any crime entirely eliminated by law? Can any law be strictly enforced? Not one. Would anyone say that because we could not perfectly enforce the law against the various crimes of the country that we will repeal them? Surely not, and this applies to the prohibition law the same as to other laws.

Why say prohibition is unconstitutional? Some say that it conflicts with Article IV of the amendments of the Constitution. Many say that it does not. Suppose it does; how does it agree with Article XVIII? No one can possibly say that it conflicts with that. When was Article IV adopted? In 1791. When was Article XVIII adopted? In 1919. Then which prevails? Section 3 of Article I of the Constitution provides that—

The Senate of the United States shall be composed of two Senators from each State, chosen by the legislature there.

Article XVII provides—

That the Senate of the United States shall be composed of two Senators from each State elected by the people thereof.

Is Article XVII binding? No one disputes that it is. Neither can they logically say that Article XVIII is not binding.

#### WHAT HAS PROHIBITION DONE?

It has dispensed with the obnoxious saloons, done away with the custom of public treating to drinks, removed the various cures for drunkenness, reduced the number of insane, put clothes on the little children's backs, food in their mouths, shoes on their feet, reduced drunkenness, lifted many heavy burdens from the backs of mothers, and elevated the minds of the youths of our country.

Before prohibition was adopted there were 20,000,000 drinkers. The number who have stopped regular drinking is 17,500,000; the number who still drink is 2,500,000; of this number only 1,000,000 are regular drinkers. The amount of liquor both legally and illegally used last year was 80,000,000 quarts, or a little less than three-fourths of a quart per capita. In 1917 the per capita consumption was 20 gallons.

This certainly is a good showing for two years under prohibition. Everybody knows that the prohibition law is not properly enforced; neither can it be until the forces who are in control of enforcement get thoroughly organized. No one could expect a better showing for the time that we have been under prohibition.

Does anyone want to go back to the saloon, with all that it means? Do you want to erect new Keely cures, add numbers to the insane asylums, bring back the darkness to those who have been permitted to see the gloom pass with the hope that they were to be permitted to enjoy life unclouded by drunken debauchery?

The claim is made by some that the Government is depriving them of their liberty. There are certain liberties that have been recognized heretofore that should be taken away. When any liberty that has been granted becomes destructive of human happiness and national prosperity, it should be removed. How does civilization advance? Only by learning what to do and then doing it. It was never intended that one should have liberties that deprived others of all that they hold near and dear in life. Liberty should be a just liberty, and not one that robs

little children of their just dues and mothers and fathers in their old days of all that is dear to them.

There is no good reason why the expenses of enforcement should not be largely borne by the collection of fines and sales of property that was seized at the time of making arrests of violators, since the report of Mr. Haynes, the prohibition commissioner, say that there were seized 600 automobiles, 40 boats, 26 wagons and carriages, 45 horses and mules, 1 airplane, 5 motor cycles, \$7,500, 10 tracts of land, and 7 stocks of merchandise, all of which, under certain restrictions, can be sold and the money paid into the Government funds.

Only 15 per cent of the former drinkers are now drinking, and they drink only 5 per cent of the amount that was formerly consumed, and the entire drink bill has been decreased \$2,000,000,000, all for the betterment of humanity.

What does retreat mean? It means ragged, hungry, cold, uneducated, poverty-stricken, humiliated children; sending the mothers back to the washtub; a disrupted home; it stops many jewels from meeting their glad father at the gate with outstretched arms and a smiling face; it stops the proud smile of the father from meeting the reciprocating smile of the elated mother. If you favor these things, hoist the white flag and beat a retreat. If you do not favor a retreat, fling Old Glory to the breeze, sound the order to march, stop at no difficulty, scale the height of honor, plant the Stars and Stripes upon mount eminence, there to wave forever.

History teaches us that the first temperance society that was ever organized in America, I presume the first in the world, was organized in 1826 at Boston, known as American Society for the Promotion of Temperance. Several years later (1840) six men who knew the evils of the vice of intemperance, from their own personal experience, met in Baltimore, signed a total abstinence, and founded the Washington Temperance Society. That movement did immense good and restored, it is said, a hundred and fifty thousand drunkards to the manhood they had lost through drink. Since then a great change has come over society; "strong drink" still slays its thousands in the United States and elsewhere, but the young man beginning life now has this in his favor; all the best influences are on the side of temperance—70 years ago nearly every influence was on the other side. To the great credit of Maine, in 1846, it established prohibition, the first State to take such a step.

It is said by those who oppose the prohibition law that it is a bad law. How do we test the value of laws? It is said enforce a law and if it is a good law retain it. If it is a bad law repeal it. Give that test to the prohibition law, then if it proves worthless it can be repealed. As much as I favor the law, I will be willing to say that if it is properly enforced and proves detrimental I shall gladly aid in its repeal. But I am not willing for the lawless to declare it is a bad law and ignore or repeal it. No man has a right to claim that he is a good citizen and at the same time ignore and violate the laws of his country after they have been upheld by the higher courts of the land.

Mr. RAKER. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record on the volunteer officers' retirement bill.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. HICKS. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record on the subject of the accomplishments of the Washington conference.

The SPEAKER. Is there objection?

Mr. GARNER. I did not hear the gentleman's request, on what subject?

The SPEAKER. On the accomplishments of the Washington conference.

Mr. LONGWORTH. Is it an eloquent speech?

Mr. HICKS. Very.

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. HICKS. Mr. Speaker, of the many important achievements of President Harding's administration, the one which is destined to be most beneficial to America and to all humanity was the inception of the Washington conference. That alone justifies popular approval and public confidence in his administration, and warrants the enthusiastic support of the American people.

Skeptics may belittle the lofty idealism and scorn the noble altruism so strongly voiced at the conference and so cogently expressed in the treaties, yet as President Harding eloquently said in welcoming the delegates:



It is impossible to overappraise the importance of such a conference. It is no unseemly boast to declare that the conclusions of this body will have a signal influence on all human progress—on the fortunes of the world.

All honor is due President Harding and he deserves well of history. Honor is due him not merely because he is the Chief Executive of the Nation which summoned the conference. It is due him because of his unquestioned earnestness and his abiding faith; because of his sympathetic appeal to human consciousness and his calm determination that the peoples of the world should find a fulfillment of their hopes and aspirations. He had the courage of his convictions to chance the possibility that his policy would prove a failure and in the chaotic conditions prevalent in the world, that chance was not remote. His unselfishness and frankness created a feeling of good will and mutual confidence, allaying old suspicions and prejudices. As the delegates saw him, heard him, and came to know him, they trusted him. Then they began to trust one another. In such an atmosphere men's minds can meet without fear or distrust. It has been truly said:

But for the President's sincerity and charm, it may well be doubted if they would have met at all. The conference was the triumph of an ideal and of good will, and Mr. Harding, of all those present, best represented in his person and his character, the American conscience and the American spirit that made it possible and successful.

The exceptional intellectual powers and high statesmanship of Secretary Hughes were never more brilliantly displayed than in the masterful presentation of his subject on the opening day of the conference, so aptly described by Mr. Balfour as "that inspired moment, that fateful Saturday, unique in history." His logic of argument, directness of statement, and straightforward avowal of the aims of the convention, and his candid advocacy of the methods by which they could be attained made a profound impression and gave to the deliberations a standard of thought that continued undiminished through all the meetings. His address possessed three elements of greatness—soundness of principle, simplicity of program, and consistency in proclaiming that all international relationships must rest on honor and justice. Who can forget those words of Mr. Hughes in which he declared:

We can no longer content ourselves with investigations, with statistics, with reports, with the circumlocution of inquiry. The time has come, not for general resolutions or mutual advice, but for action.

The conference wrought a complete reversal of the accepted practice of the organized efforts of man. Formerly the extreme expression of voluntary cooperative endeavor has been in the direction of making war. This conference inaugurated a new phase in international relationships, where nations met for the organized purpose of curtailing their power to make war.

The convention has been spoken of as the Battle of Washington and pictured as the greatest naval conflict in all history. It was the most expensive and the cheapest; it heralded the grandest victory and proclaimed the worst disaster. All the nations involved in the conflict were triumphantly defeated and the commanding officers congratulated each other on the result. This naval engagement, which witnessed the destruction of more ships and of greater value than were ever sunk in any war, was fought on dry land, without a shot fired, a life lost, or a flag hauled down. All were victors; all were losers.

The purposes for which the conference met were to reduce and limit armaments and remove the causes of misunderstanding in the Pacific and Far East, thereby diminishing, if not eliminating, the possibilities of a conflict in that portion of the world.

It is well to bear in mind that the inauguration of huge military programs is very largely the result of a state of mind in which the expectation of an attack by one nation prompts another nation to prepare to meet that attack. Such a condition arises largely because of suspicion, and powerful armaments result. Remove apprehension by a common understanding; replace fear by friendship and the need of great military power disappears. The rule of conscience and reason, not the reign of might and hate, should dictate the actions of nations.

To estimate correctly the character and value of these several treaties, resolutions, and formal declarations they should be considered as a whole. Each one contributes its part in combination with the others toward the establishment of conditions in which peaceful security will take the place of preparation for war.

These covenants do more than save the expenditure of vast sums of money; they do more than lighten the burden of staggering debts; they do more than stabilize economic conditions. They go to the very source of international morality and to the hearts of men. They transmute idealism into a concrete proposition, reconcile theory with fact, and vitalize into reality the dream which poets, reformers, and publicists have held before mankind as the goal to which human endeavor should aspire.

That goal is peace, fellowship, respect, and honor between nations.

In addition to the tangible results, the conference demonstrated that this method of dealing with world affairs is feasible and practical. It showed that it is a better plan to talk about things than to fight about them, and as this convention proved a success it is a beginning to be greeted with high hope, a fitting basis for future accomplishments.

The naval treaty of the five great sea nations and the four-power agreement achieve many things. They reduce armaments afloat, curtail new construction of capital ships and their armament, prevent ruinous competition in naval programs, and limit fortifications ashore. They retard battleship development, which in the minds of many is rendered obsolete by the advance of aviation. They lighten the stress of financial strain and ease the burden of taxation. They turn our national energies and our resources into the channels of development instead of hurling them into the abyss of destruction. They divert men's minds and actions from proficiency in the arts of war to productivity in the fields of peace. They open up a new phase in the Pacific by destroying an old situation which was full of danger. They create an association of four nations in place of the Anglo-Japanese alliance and they will eventually replace the Franco-Japanese compact. They provide for peace in the Pacific by mutual pledges of the powers to respect the territorial integrity of each. They invite frank consideration and amicable adjustment of controversies. They bar discussion of the Pacific as the scene of a new conflict. They quiet the agitation of the militant element in their weighing of Japanese power against American strength. They bring about, after three centuries of naval superiority, the surrender on the part of the British Empire of the supremacy of the seas. They will give to America in less than a decade and without an enormous outlay of money, naval strength equal to that of Great Britain.

With the ratification of the naval treaty, certain achievements can be measured with accuracy. On the financial side alone its justification is sufficient. There is now under steam or on the ways in the navies of the five great sea powers a capital ship tonnage of 3,341,567. When the treaty shall stand fulfilled there will be 1,811,590 tons of first-line fighting vessels, a discard of 44 per cent, and this tonnage will be reduced to 1,715,000 when replacements are completed. That a reduction in Federal expenditures will result and Navy budgets no longer demand an abnormal proportion of our national wealth is inevitable. By the provisions of the treaty a total of 29 American battleships, built or building, will be scrapped. The signing of the naval treaty met with a quick response in the American Congress in the consideration of naval appropriations for the year ending June 30, 1923, as a comparison of the following figures will demonstrate:

Appropriations for year 1921-22.....	\$426,000,000
Probable appropriations for year 1922-23.....	275,000,000

Reduction.....	151,000,000
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Great Britain and Japan have also materially reduced their naval budgets.

With the ratification of the four-power treaty, dealing with far eastern questions, any real or imaginary cause for war in the Pacific between the great sea nations will disappear. An agreement satisfactory and honorable to all concerned, neither infringing the rights or alienating the territories of any signatory nation, has been entered into, and it is inconceivable that during the life of the treaty any conflict of interests can lead to war.

Let America and every nation party to the compacts faithfully and honorably observe the spirit as well as the commitments of these treaties, and thereby contribute to international confidence and promote the peace of the world.

Permit me to read this statement from a great educator, a prominent citizen of my State, a noted publicist, and a profound student of world affairs, the president of Columbia University:

If President Harding's administration were to rest its claim of public satisfaction and confidence upon the Washington conference alone, it would be justified. The calling and the conduct of that conference by President Harding marked a long and thoroughly practical step forward, not only in reconstructing a world broken and impoverished by war but in preventing the likelihood of future wars. The Washington conference was a sternly practical body. It dealt not with remote probabilities and theoretical problems but with concrete realities with which the nations were face to face. First of all, it met in an atmosphere and spirit of mutual confidence. From the first personal and national antagonisms and jealousies were put in the background and almost every advanced step that was proposed was quickly hailed with approval by the representatives of the participating powers. The details of the several projects as outlined were worked out in patient cooperation and with the strong purpose of achieving results. The consequence is that at once Great Britain, Japan, and the United States are able sharply to reduce their appropriations for naval construction and naval maintenance, thereby greatly relieving the tax-

payer. Other nations will quickly take similar steps. If what is vaguely called the problem of the Pacific should arise in any acute form, agreement has been made as to a mode of approaching and solving that problem in a spirit of confidence and peace rather than in a spirit of antagonism and war. The great congeries of peoples and local governments known as China has been protected against exploitation by alien forces and given a new chance to establish itself upon a firm basis as an independent and self-controlled State.

In human affairs progress is made not by passing resolutions but by taking action. The Washington conference took action, and therefore it made progress.

A great deal remains to be done, and in that the United States must play in its own interest and in accordance with its own ideals, a very important part. The Washington conference has paved the way for what is to follow by manifesting a spirit of international confidence and cooperation and by proving how much that spirit can accomplish.

NICHOLAS MURRAY BUTLER.

Mr. Speaker, no more fitting conclusion to this review of the treaties can be expressed than by quoting the inspired words of the President in congratulating the delegates on their work:

This conference has wrought a truly great achievement. It is hazardous sometimes to speak in superlatives, and I will be restrained. But I will say, with every confidence, that the faith pledged here to-day, kept in national honor, will mark the beginning of a new and better epoch in human progress.

In the revealing light of the public opinion of the world, without surrender of sovereignty, without impaired nationality or affronted national pride, a solution has been found in unanimity, and to-day's adjournment is marked by rejoicing in the things accomplished. If the world has hungered for new assurance, it may feast at the banquet which the conference has spread.

It has been the fortune of this conference to sit in a day far enough removed from war's bitterness, yet near enough to war's horror, to gain the benefit of both the hatred of war and the yearning of peace. Too often heretofore the decades following such gatherings have been marked by the difficult undoing of their decisions. But your achievement is supreme because no seed of conflict has been sown, no reaction in regret or resentment ever can justify resort to arms.

It little matters what we appraise as the outstanding accomplishments. Any one of them alone would have justified the conference. But the whole achievement has so cleared the atmosphere that it will seem like breathing the refreshing air of a new morn of promise.

You have written the first deliberate and effective expression of great powers, in the consciousness of peace, of war's utter futility, and challenged the sanity of competitive preparation for each other's destruction. You have halted folly and lifted burdens, and revealed to the world that the one sure way to recover from the sorrow and ruin and staggering obligations of a World War is to end the strife in preparation for more of it, and turn human energies to the constructiveness of peace.

No intrigue, no offensive or defensive alliances, no involvements have wrought your agreements, but reasoning with each other to common understanding has made new relationships among governments and peoples, new securities for peace, and new opportunities for achievement and attending happiness.

Here have been established the contacts of reason, here has come the inevitable understandings of face-to-face exchanges when passion does not inflame. The very atmosphere shamed national selfishness into retreat. Viewpoints were exchanged, differences composed, and you come to understand how common after all are human aspirations; how alike, indeed, and how easily reconcilable are our national aspirations; how sane and simple and satisfying to seek the relationships of peace and security.

When you first met I told you of our America's thought to seek less of armament and none of war; that we sought nothing which is another's, and we were unafraid, but that we wished to join you in doing that finer and nobler thing which no nation can do alone. We rejoice in that accomplishment.

#### NOTES ON THE TREATIES.

The treaty for the limitation of naval armaments contains the following provisions:

The number and total tonnage of capital ships to be retained is as follows:

	Number.	Tonnage.
America.....	18	525,850
Great Britain.....	22	580,450
France.....	10	221,170
Italy.....	10	182,800
Japan.....	10	301,320

Article II provides that when the treaty becomes effective all other capital ships than those named in the treaty "built or building" by the five powers shall be scrapped.

Article III constitutes an agreement by the powers to abandon their respective capital-ship building programs and neither to build nor acquire any new capital ships except under the replacement agreement.

Article IV is the naval ratio agreement, and it gives in standard displacement tonnages the aggregates for capital ship replacement as follows:

	Tons.	Ratio.
United States.....	525,000	5
Great Britain.....	525,000	5
France.....	175,000	1.75
Italy.....	175,000	1.75
Japan.....	315,000	3

The powers agree not to exceed these aggregate tonnages.

Article V fixes 35,000 tons as the maximum for any capital ship.

Article VI provides that no ship shall carry a gun exceeding 16-inch caliber.

Article VII fixes the total tonnage of aircraft carriers as follows: United States and Great Britain, each 135,000; France and Italy, each 60,000; Japan, 81,000.

Article IX fixes the limit of each aircraft carrier to 27,000 tons, but by a special exception the contracting powers are permitted to build not more than two aircraft carriers of a tonnage not to exceed 33,000. In order to effect economy, the scrapping of capital ships as provided for in Article II is qualified by granting permission to any of the contracting powers to use for the purpose of constructing aircraft carriers any two of their ships, built or building, which otherwise would be scrapped, providing these ships do not exceed 33,000 tons.

Article X limits the size of guns that aircraft carriers may carry to 8 inches and limits the number to 10 for a 27,000-ton carrier and to 8 for a 33,000-ton carrier.

Article XII provides that no vessel hereafter laid down, except capital ships, shall carry guns in excess of 8-inch caliber.

Article XIII provides that no vessel which is liable to be scrapped shall be reconverted into a warship.

Article XIV provides that no preparations shall be made on merchantmen in time of peace for the purpose of converting such vessels into warships "other than stiffening the decks for mounting guns not exceeding 6-inch caliber."

It is laid down that warships to be scrapped must be treated so that they "can not be put to combatant use." The scrapping may be effected by sinking, breaking up, or conversion into targets.

It is also provided that, with the exception of ships lost or accidentally destroyed, no replacement tonnage shall be laid down until 10 years after November 12, 1921. This is the so-called naval holiday.

Article XIX provides that the present situation in the Pacific in reference to fortifications or naval bases shall be maintained. In relation to these fortifications, the United States has agreed not to extend the fortifications of the Philippines and not to begin land works in Guam, Samoa, the Aleutian Islands, nor in any other Pacific possession with the exception of Hawaii. Japan on her part has agreed not to extend the fortifications in her island possessions, and Great Britain has similarly agreed not to fortify Hongkong further.

The treaty provides that all these stipulations shall remain in force until December 31, 1936, and if none of the powers have given notice two years before that date of their intention to terminate the treaty it shall continue in force until the expiration of two years from the date notice is given.

The treaty relating to insular possessions in the Pacific (four-power pact) provides that for the preservation of the general peace and the maintenance of national rights, if there should develop between any of the high contracting parties a controversy arising out of any Pacific question and involving their said rights which is not satisfactorily settled by diplomacy and is likely to affect the harmonious accord now happily subsisting between them, they shall invite the other high contracting parties to a joint conference to which the whole subject will be referred for consideration and adjustment.

If the said rights are threatened by the aggressive action of any other power, the high contracting parties shall communicate with one another fully and frankly in order to arrive at an understanding as to the most efficient measures to be taken, jointly or separately, to meet the exigencies of the particular situation.

#### MEMORIAL EXERCISES.

Mr. MONDELL. Mr. Speaker, as I understand it, the House will be in session to-morrow at 12 o'clock for the purpose of holding special services.

The SPEAKER. The House will meet in session at 12 o'clock to-morrow for the purpose of holding memorial exercises.

#### ADJOURNMENT.

Mr. MONDELL. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 40 minutes p. m.) the House, under its previous order, adjourned until to-morrow, Sunday, May 28, 1922, at 12 o'clock noon.

#### EXECUTIVE COMMUNICATIONS, ETC.

619. Under clause 2 of Rule XXIV, a letter from the Acting Secretary of the Navy, transmitting a draft of a bill for the relief of the Royal Italian Government for losses sustained by collision of the tug *Mahorney* with the barge *Anode*, was taken from the Speaker's table and referred to the Committee on Foreign Affairs.



## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,  
Mr. NEWTON of Minnesota: Committee on Interstate and Foreign Commerce. H. R. 11634. A bill granting the consent of Congress to the county of Norman and the town and village of Halstad, in said county, in the State of Minnesota, and the county of Traill and the town of Herberg, in said county, in the State of North Dakota, to construct a bridge across the Red River of the North on the boundary line between said States; without amendment (Rept. No. 1037). Referred to the House Calendar.

## PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. NEWTON of Minnesota: A bill (H. R. 11822) to amend the interstate commerce act and the transportation act of 1920; to the Committee on Interstate and Foreign Commerce.

By Mr. VAILE: A bill (H. R. 11823) to amend section 402 of the war risk insurance act; to the Committee on Interstate and Foreign Commerce.

By Mr. MADDEN: Joint resolution (H. J. Res. 339) making available funds for repairing and restoring levees on the Mississippi River above Cairo, Ill.; to the Committee on Appropriations.

## PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. DUPRÉ: A bill (H. R. 11824) to place John R. Harrell, of New Orleans, La., on the retired list of the Navy, with the rank of lieutenant; to the Committee on Naval Affairs.

By Mr. LANHAM: A bill (H. R. 11825) authorizing the removal of the restrictions from 40 acres of the allotment of Isaac Jack, a Seneca Indian, and for other purposes; to the Committee on Indian Affairs.

## PETITIONS, ETC.

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

5821. By Mr. ANSORGE: Petition of Knickerbocker Chapter, Daughters of the American Revolution, New York City, urging passage of H. R. 6774, asking that Yorktown, Va., be made a national park; to the Committee on Military Affairs.

5822. By Mr. GERNERD: Petition of evidence in support of H. R. 11810, granting an increase of pension to A. Laurie Nicholson; to the Committee on Pensions.

5823. By Mr. KNIGHT: Resolutions adopted by Summit Lodge, No. 203, International Association of Machinists, of Akron, Ohio, demanding the United States Government recognize the present Russian government; to the Committee on Foreign Affairs.

5824. By Mr. KISSEL: Petition of the Bank of America, New York City, N. Y., urging the reappointment of Hon. W. P. G. Harding governor of the Federal Reserve Board; to the Committee on Banking and Currency.

5825. Also, petition of Martin J. Gillen, New York City, N. Y., relative to the Morse case; to the Committee on the Judiciary.

5826. By Mr. SUMMERS of Washington: Resolutions indorsing House bill 9753, adopted by the Presbytery of Columbia River, South Bend, Wash., signed by Ernest A. Reed, presiding officer, and Grant Merchant, secretary; to the Committee on the District of Columbia.

5827. Also, resolutions adopted by the Central Washington Presbytery, Naches, Wash., signed by Daniel S. Brown, secretary, indorsing House bill 9753. Senate Joint Resolution 31, and House Joint Resolution 131; to the Committee on the Judiciary.

5828. By Mr. SWING: Petition of various citizens of Chino, Calif., protesting against House bill 9753; to the Committee on the District of Columbia.

5829. By Mr. VARE: Memorial of the Pennsylvania State Chamber of Commerce, asking passage of amendment providing for taxation of State and municipal securities; to the Committee on Ways and Means.

5830. By Mr. YOUNG: Resolution of the North Dakota State Federation of Labor, urging reclamation in the Mississippi and Missouri Valleys; to the Committee on Flood Control.

## HOUSE OF REPRESENTATIVES.

SUNDAY, May 28, 1922.

The House met at 12 o'clock noon, and was called to order by Mr. MONTAGUE as Speaker pro tempore.

Rev. Page Milburn, of Washington, D. C., offered the following prayer:

*Lord, Thou hast been our dwelling place in all generations. Before the mountains were brought forth, or ever Thou hadst formed the earth and the world, even from everlasting to everlasting, Thou art God.*

Thou art our God. We worship Thee, and we come to Thee with our prayer this morning that Thou wilt manifest Thy presence and power and grace unto every heart. And as we remember one who gave himself in service to humanity and to the State, we ask that Thy blessing may rest upon those who take part in this service and upon all who shall hear the words spoken, and that to each heart there may come inspiration to go out and serve the Nation, serve the people, and in doing so serve the Almighty God, the Father of us all.

And as we remember those who gave their lives to preserve the Union, who laid down at the feet of the people and of the Nation all that they had and all that they were, and as we shall in a day or two strew upon their graves flowers of beauty and of fragrance, may we remember their lives, and dedicate our lives again unto the service of this great country and of the world.

We ask of Thee that Thou wilt forgive us all our sins, for we have fallen far short of the glory of God. Fill us with the inspiration to do that which is right and pleasing in Thy sight. May we be what Thou wouldst have us be, and do what Thou wouldst have us do, and go where Thou wouldst have us go; and after this life is over may we look forward to that other service at the right hand of God. Through Thy Son who taught us to pray and taught us to exalt Thee.

And may the blessing of the Father, and of the Son, and of the Holy Ghost rest upon and abide with us all evermore. Amen.

The SPEAKER pro tempore. Without objection the reading of the Journal will be deferred.

There was no objection.

## THE LATE REPRESENTATIVE FLOOD, OF VIRGINIA.

The SPEAKER pro tempore. The Clerk will report the special order of the day.

The Clerk read as follows:

On motion of Mr. MONTAGUE, by unanimous consent, Ordered, That Sunday, May 28, 1922, be set apart for addresses on the life, character, and public service of Hon. HENRY D. FLOOD, late a Representative from the tenth district of the State of Virginia.

Mr. TUCKER. Mr. Speaker, I offer the following resolution. The SPEAKER pro tempore. The Clerk will report the resolution.

The Clerk read as follows:

## House Resolution 356.

Resolved, That the business of the House be now suspended that an opportunity may be given for tributes to the memory of Hon. HENRY DELAWARE FLOOD, late a Member of this House from the State of Virginia.

Resolved, That as a particular mark of respect to the memory of the deceased, and in recognition of his distinguished public career, the House, at the conclusion of these exercises, shall stand adjourned.

Resolved, That the Clerk communicate these resolutions to the Senate.

Resolved, That the Clerk send a copy of these resolutions to the family of the deceased.

The resolution was agreed to.

Mr. TUCKER. Mr. Speaker, HENRY DELAWARE FLOOD was born on the 2d day of September, 1865, in the county of Appomattox, Va., and died December 8, 1921, in the city of Washington. His early education was acquired at local schools in his own county, after which he attended the academic department of the Washington and Lee University, and subsequently graduated in law at the University of Virginia.

His father was Maj. Joel W. Flood, who himself was a citizen of Appomattox County all of his life and the member of a family which had been long noted for its probity and high standards of life. His mother was a daughter of Hon. Charles James Faulkner, of Martinsburg, W. Va. She was a woman of many charms and had been reared in an atmosphere of refinement and culture. Her maternal grandfather was Elisha Boyd, of Berkeley County, who himself had occupied a prominent position in that county for many years.

Mr. Flood graduated in law at the University of Virginia on June 30, 1886, and at once began the practice of his profession in the county of Appomattox, which he continued actively to the day of his death, except for the interruptions which an active