

TO AIR CORPS

Second Lieut. Albert Lea Alexander, jr., Corps of Engineers (detailed in Air Corps), with rank from June 9, 1928.

Second Lieut. Forrest Gordon Allen, Infantry (detailed in Air Corps), with rank from June 9, 1928.

Second Lieut. Alvord VanPatten Anderson, jr., Cavalry (detailed in Air Corps), with rank from June 9, 1928.

Second Lieut. Frederick Lewis Anderson, jr., Cavalry (detailed in Air Corps), with rank from June 9, 1928.

Second Lieut. Samuel Egbert Anderson, Coast Artillery Corps (detailed in Air Corps), with rank from June 9, 1928.

Second Lieut. George Raymond Bienfang, Field Artillery (detailed in Air Corps), with rank from June 9, 1928.

Second Lieut. Bryant LeMaire Boatner, Field Artillery (detailed in Air Corps), with rank from June 9, 1928.

Second Lieut. Samuel Robert Brentnall, Field Artillery (detailed in Air Corps), with rank from June 9, 1928.

Second Lieut. Harold Brown, Infantry (detailed in Air Corps), with rank from June 9, 1928.

Second Lieut. James Wilson Brown, jr., Infantry (detailed in Air Corps), with rank from June 9, 1928.

Second Lieut. Joseph Arthur Bulger, Coast Artillery Corps (detailed in Air Corps), with rank from June 9, 1928.

Second Lieut. Howard Graham Bunker, Coast Artillery Corps (detailed in Air Corps), with rank from June 9, 1928.

Second Lieut. Frank Jerdone Coleman, Signal Corps (detailed in Air Corps), with rank from June 9, 1928.

Second Lieut. Robert James Dwyer, Field Artillery (detailed in Air Corps), with rank from June 9, 1928.

Second Lieut. Frank Fort Everest, jr., Field Artillery (detailed in Air Corps), with rank from June 9, 1928.

Second Lieut. Nathan Bedford Forrest, jr., Cavalry (detailed in Air Corps), with rank from June 9, 1928.

Second Lieut. Charles Grant Goodrich, Field Artillery (detailed in Air Corps), with rank from June 9, 1928.

Second Lieut. Norris Brown Harbold, Field Artillery (detailed in Air Corps), with rank from June 9, 1928.

Second Lieut. Robert Scott Israel, jr., Field Artillery (detailed in Air Corps), with rank from June 9, 1928.

Second Lieut. Paul Harold Johnston, Coast Artillery Corps (detailed in Air Corps), with rank from June 9, 1928.

Second Lieut. August Walter Kissner, Infantry (detailed in Air Corps), with rank from June 9, 1928.

Second Lieut. Ralph Edward Koon, Cavalry (detailed in Air Corps), with rank from June 9, 1928.

Second Lieut. Stuart Glover McLennan, Field Artillery (detailed in Air Corps), with rank from June 9, 1928.

Second Lieut. Alfred Rockwood Maxwell, Coast Artillery Corps (detailed in Air Corps), with rank from June 9, 1928.

Second Lieut. Arthur William Meehan, Infantry (detailed in Air Corps), with rank from June 9, 1928.

Second Lieut. John Stewart Mills, Field Artillery (detailed in Air Corps), with rank from June 9, 1928.

Second Lieut. John Jordan Morrow, Coast Artillery Corps (detailed in Air Corps), with rank from June 9, 1928.

Second Lieut. George Warren Mundy, Field Artillery (detailed in Air Corps), with rank from June 9, 1928.

Second Lieut. John Thomas Murtha, jr., Infantry (detailed in Air Corps), with rank from June 9, 1928.

Second Lieut. Thayer Stevens Olds, Coast Artillery Corps (detailed in Air Corps), with rank from June 9, 1928.

Second Lieut. James Francis Olive, jr., Infantry (detailed in Air Corps), with rank from June 9, 1928.

Second Lieut. Roger Maxwell Ramey, Infantry (detailed in Air Corps), with rank from June 9, 1928.

Second Lieut. Allen Wilson Reed, Infantry (detailed in Air Corps), with rank from June 9, 1928.

Second Lieut. John Alexander Samford, Field Artillery (detailed in Air Corps), with rank from June 9, 1928.

Second Lieut. LaVerne George Saunders, Infantry (detailed in Air Corps), with rank from June 9, 1928.

Second Lieut. Edgar Alexander Sirmyer, jr., Infantry (detailed in Air Corps), with rank from June 9, 1928.

Second Lieut. Frank Leroy Skeldon, Infantry (detailed in Air Corps), with rank from June 9, 1928.

Second Lieut. George Ferrow Smith, Infantry (detailed in Air Corps), with rank from June 9, 1928.

Second Lieut. Thomas Webster Steed, Infantry (detailed in Air Corps), with rank from June 9, 1928.

Second Lieut. Robert Frederick Tate, Cavalry (detailed in Air Corps), with rank from June 9, 1928.

Second Lieut. Robert Kindler Taylor, Infantry (detailed in Air Corps), with rank from June 9, 1928.

Second Lieut. Robert Falligant Travis, Field Artillery (detailed in Air Corps), with rank from June 9, 1928.

Second Lieut. William Henry Tunner, Field Artillery (detailed in Air Corps), with rank from June 9, 1928.

Second Lieut. Robert Williams Warren, Infantry (detailed in Air Corps), with rank from June 9, 1928.

Second Lieut. Harry Edgar Wilson, Infantry (detailed in Air Corps), with rank from June 9, 1928.

Second Lieut. Roscoe Charles Wilson, Field Artillery, detailed in Air Corps), with rank from June 9, 1928.

Second Lieut. Emmett Felix Yost, Infantry (detailed in Air Corps), with rank from June 9, 1928.

PROMOTIONS IN THE ARMY

To be colonels

Lieut. Col. William Remsen Taylor, Cavalry, from November 2, 1929.

Lieut. Col. John Patrick Hasson, Quartermaster Corps, from November 4, 1929.

To be lieutenant colonels

Maj. Everett Darius Barlow, Quartermaster Corps, from October 31, 1929.

Maj. Felix Emmanuelli, Infantry, from October 31, 1929.

Maj. Pascual Lopez, Infantry, from November 2, 1929.

Maj. William Albert Johnson, Corps of Engineers, from November 4, 1929.

To be majors

Capt. Edwin Mack Scott, Quartermaster Corps, from October 31, 1929.

Capt. Paul James Dowling, Infantry, from October 31, 1929.

Capt. Otis Porter, Cavalry, from November 2, 1929.

Capt. Hermann Charles Dempewolf, Infantry, from November 4, 1929.

PROMOTIONS IN THE NAVY

Naval Constructor George H. Rock to be Chief Constructor and Chief of the Bureau of Construction and Repair in the Department of the Navy, with the rank of rear admiral, for a term of four years.

Commander Herbert E. Kays to be a captain in the Navy from the 13th day of March, 1929.

Lieut. Commander James B. Will to be a commander in the Navy from the 11th day of October, 1929.

Lieut. Francis A. Smith to be a lieutenant commander in the Navy from the 1st day of July, 1929.

Lieut. Douglas A. Spencer to be a lieutenant commander in the Navy from the 1st day of October, 1929.

Lieut. Harold F. Ely to be a lieutenant commander in the Navy from the 11th day of October, 1929.

Lieut. (Junior Grade) Whitaker F. Riggs, jr., to be a lieutenant in the Navy from the 6th day of June, 1929.

Lieut. (Junior Grade) William S. Campbell to be a lieutenant in the Navy from the 1st day of July, 1929.

Lieut. (Junior Grade) George W. Snyder, 3d, to be a lieutenant in the Navy from the 2d day of August, 1929.

Lieut. (Junior Grade) Vernon Huber to be a lieutenant in the Navy from the 22d day of October, 1929.

Lieut. (Junior Grade) Peter J. Neimo to be a lieutenant in the Navy from the 1st day of November, 1929.

Lieut. (Junior Grade) Howard B. Hutchinson to be a lieutenant in the Navy from the 4th day of November, 1929.

Lieut. (Junior Grade) Horace B. Butterfield to be a lieutenant in the Navy from the 8th day of November, 1929.

Lieut. (Junior Grade) John P. Cady to be a lieutenant in the Navy from the 10th day of November, 1929.

The following-named ensigns to be lieutenants (junior grade) in the Navy from the 3d day of June, 1929:

Samuel M. Tucker.

John H. Simpson.

John D. Sweeney.

Medical Director Norman J. Blackwood to be a medical director in the Navy, with the rank of rear admiral, from the 11th day of February, 1921.

Medical Inspector Joseph A. Biello to be a medical director in the Navy, with the rank of captain, from the 1st day of July, 1929.

The following-named pharmacists to be chief pharmacists in the Navy, to rank with but after ensign, from the 5th day of November, 1929:

Daniel W. Heagy.

Leo A. Duncan.

Robert N. Cheetham.

Edmond D. Harrison.

Frederick O. Ball.

John P. T. Bennett.

Jefferson O. Forte.

Martin Huff.

SENATE

MONDAY, November 11, 1929

(Legislative day of Wednesday, October 30, 1929)

The Senate met at 10 o'clock a. m., on the expiration of the recess.

DESIGNATION OF PRESIDING OFFICER

The Chief Clerk read the following communication, which was ordered to be placed on file:

UNITED STATES SENATE,
PRESIDENT PRO TEMPORE,
Washington, D. C., November 11, 1929.

To the Senate:

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

GEO. H. MOSES,
President pro tempore.

Mr. McNARY took the chair as Presiding Officer.

CALL OF THE ROLL

The PRESIDING OFFICER. There having been no quorum present when the Senate took a recess on Saturday, the clerk will call the roll to ascertain the presence of a quorum.

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

| | | | |
|-----------|-------------|----------------|---------------|
| Allen | Deneen | Kean | Sackett |
| Ashurst | Dill | Kendrick | Sheppard |
| Barkley | Fletcher | Keyes | Shortridge |
| Bingham | Frazier | La Follette | Simmons |
| Black | George | McKellar | Smoot |
| Blaine | Glass | McMaster | Steiwer |
| Blensie | Goldsbrough | McNary | Stephens |
| Borah | Gould | Norbeck | Swanson |
| Bratton | Greene | Norris | Thomas, Idaho |
| Brock | Hale | Nye | Thomas, Okla. |
| Brookhart | Harris | Oddie | Townsend |
| Broussard | Harrison | Overman | Trammell |
| Capper | Hatfield | Patterson | Tydings |
| Caraway | Hayden | Phipps | Vandenberg |
| Connally | Hebert | Pine | Wagner |
| Copeland | Heflin | Pittman | Walcott |
| Couzens | Howell | Ransdell | Walsh, Mont. |
| Cutting | Johnson | Reed | Waterman |
| Dale | Jones | Robinson, Ind. | Wheeler |

Mr. TOWNSEND. I desire to announce the unavoidable absence of my colleague the senior Senator from Delaware [Mr. HASTINGS]. I ask that this announcement may stand for the day.

Mr. KEAN. The senior Senator from New Jersey [Mr. EDGE] is absent on official business. I will let this announcement stand for the day.

The PRESIDING OFFICER. Seventy-six Senators having answered to their names, a quorum is present.

THE JOURNAL

Mr. JONES. Mr. President, I ask unanimous consent that the Journal for Thursday, November 7, Friday, November 8, and Saturday, November 9, be approved.

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

ORDER FOR RECESS

Mr. SMOOT. Mr. President, I ask unanimous consent that at the conclusion of the business of to-day the Senate take a recess until 10 o'clock a. m. to-morrow.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

REPORT ON LOBBYING AND LOBBYISTS

Mr. CARAWAY. Mr. President, I wish to submit and have read from the desk a report of the committee dealing with lobbying and lobbyists. It will take but a few moments. It is a report on the activities of Mr. Burgess.

The PRESIDING OFFICER. The report submitted by the Senator from Arkansas will be read.

The Chief Clerk read the report (No. 43, pt. 2), as follows:

Your committee, named by the chairman of the Committee on the Judiciary, pursuant to Senate Resolution 20, having made inquiry into current talk that efforts have been made to procure the dismissal of a member of the force of the United States Tariff Commission or to subject him to discipline on account of acts done or information given to the Senate Committee on Finance or of aid given to members thereof, beg leave to report as follows:

One Frederick L. Koch, chief of the ceramics division of the Tariff Commission, at their request, appeared before the committee of both Houses considering the pending tariff bill H. R. 2667. He entered the Customs Service of the Treasury Department in 1902, remaining with it

for 20 years, since which time, during the last seven years, he has been with the Tariff Commission.

In the course of the hearings before the majority members of the Ways and Means Committee he gave some testimony or information concerning which he was somewhat sharply questioned by certain members of the committee. The next morning one William F. Burgess, hereafter to be referred to, preferred charges against him to the chairman of the Tariff Commission. He later appeared in a like capacity at the open hearings conducted by the Senate Finance Committee, when Burgess, accompanied by one Wells, a pottery manufacturer, his son, and one Duffy, said to be the head of an organization of laborers in the pottery industry, made further complaint to the chairman of the Tariff Commission, the substance of their complaint being that Koch had exhibited before the committee in such open hearings a partiality in favor of the importers of pottery and was on terms of friendly intimacy with the manager of a Japanese importing firm. Specifically it was charged that he had repeatedly prompted Senator KING, a member of the committee and known to be opposed to high duties, to ask questions of witnesses testifying in behalf of such on items in the earthenware schedule.

The delegation referred to appeared before Thomas O. Marvin, the chairman of the Tariff Commission, as stated, and while there Commissioner Brossard came in, by whom Koch was informed of the visit of Burgess and the others named. Burgess being interrogated about the visit was vague as to what action he desired the commission to take in the premises. Koch understood that his dismissal from the service was what was sought. However that may be, a letter subsequently came from one Wylie, a pottery manufacturer from the State of West Virginia, addressed to the President of the United States, duplicate to the Secretary of the Treasury, demanding such action. The letter is as follows:

HUNTINGTON, W. VA., August 15, 1929.

HON. HERBERT HOOVER,

President, Washington, D. C.

DEAR PRESIDENT: I am reliably informed that a Mr. Koch, of the ceramics division of the staff of the Tariff Commission, is a great and very close friend of the representative of the chief Japanese chinaware importing house in this country, and that Mr. Koch has been doing everything he possibly can in connection with the recent hearings on the earthenware schedule to help the importers and especially the Japanese.

It is certainly a bad situation when a man of this type should hold such an important position and who, instead of serving his country who pays him his salary, he instead devotes most of his time and effort against the best interests of the Government, the domestic pottery industry, and labor.

The domestic pottery industry is unable to compete at the present time with the low-priced goods that is flooding the country, being manufactured by cheap foreign labor, especially the Japanese. The industry is already in a very bad way and 12 plants have gone out of business in the last three years, and more will go out of business soon unless relief is afforded by the increased tariff protection. There has been no profit in the business for a number of years. Figures submitted before the House Ways and Means Committee will sustain this statement. With such a condition as this existing in the industry, then to have a man of Mr. Koch's kind doing everything possible to help destroy the industry, it looks to me that Mr. Koch should be checked up and dismissed from service.

Hoping that you will give this matter your consideration, and with kindest regards,

Very truly yours,

H. R. WYLLIE.

The committee sought to secure the testimony of Wylie as to the source of the information upon which his charges against Koch were based, but he pleaded illness and sent a certificate of a physician to the effect that he was unable to come; but the committee agreed to excuse him only on condition that he would disclose the source of his information. He then wrote that he had it from Burgess, though the latter, when on the witness stand, denied that he had communicated in any way with Wylie on the subject or with anyone else save as heretofore stated.

Pending the hearings before the Finance Committee, the chairman, Senator SMOOT, informed Koch that charges had been made against him, and he was interrogated by Senator SMOOT and other members of the committee, including Senators REED and EDGE, all of whom expressed their entire confidence in Mr. Koch. He continued in his capacity as aide to the committee and sat with Senator SMOOT on the floor of the Senate when the earthenware schedule was under consideration in this body. He freely admitted a close personal friendship with one Walker, the representative of the Japanese importing company, with whom he had frequently come into contact in the discharge of his official duties. He had visited him at his home in New Jersey and had dinner with him, as he had had with a leading domestic manufacturer of pottery, whose acquaintance he had made in like manner. Nothing

appeared to cause the committee to doubt that Mr. Koch was in the faithful discharge of his duty in aiding Senator KING in propounding questions to the witnesses who appeared before the committee.

Burgess was a member of the Tariff Commission from 1921 to 1925, one Carl Langenbeck being, during the early part of his service, the chief of the ceramics division and Koch his assistant. Langenbeck differed with Burgess concerning the practicability of inducing the manufacture in this country of the finer kinds of china and porcelain by the imposition of a duty. Such difference having arisen, he was promptly and peremptorily dismissed and Koch elevated to his place.

Burgess has been a representative of the pottery interests in Washington in connection with the framing of every tariff act from and including the act of 1897. He has been in Washington continuously since the pending bill was first taken up by the Ways and Means Committee. Since 1904, except for the four years when he served as a member of the Tariff Commission, he has acted as tariff adviser in connection with the administration of the customs laws and is a member of the customs bar, though not an attorney at law. For many years, save for the same period, he has been employed in the capacity above indicated by the United States Potters' Association, of which he is vice president, from which he received an annual salary, prior to the time he became a tariff commissioner, of \$5,000, and since that time of \$7,500. Prior to leaving the commission he had agreed to go back into the service of the Potters' Association at the figure last named. Notwithstanding these facts he testified before the Finance Committee, when he appeared before that body, that he represented no one. He is himself interested financially in the pottery business. During the time he has been in Washington, almost if not continuously, since the first of the current year, his principal, if not his only, business has been looking after the pending tariff legislation, and particularly after Schedule 2, the earthenware, earthenware, and glassware schedule. He has been in frequent consultation with Members of the Senate on tariff matters as well as with others at the Capitol, exhibiting deep concern in the passage of the tariff bill as it came from the House, or in securing higher duties on manufactured products.

In his capacity as representative of the United States Potters' Association he has visited Europe six times pursuing investigations with a view to establishing undervaluation by importers of earthenware. On one of these occasions he accompanied a commission sent out by the Secretary of the Treasury as its adviser. Upon the report of the commission proceedings were instituted before the appraiser to establish an undervaluation in certain invoices. The appraiser rejected as unworthy of credence the report so made, but his decision was overruled by a board of reviewing appraisers. Its decision was in turn reversed by another board, whereupon suit was brought in the United States district court, which again reported the report of the commission, its judgment being later affirmed by the circuit court of appeals.

The witness, besides being contradicted flatly by Mr. Wylle, the truthfulness of whose statement there is no reason to doubt, and having, as the record shows, led the Finance Committee to believe when he appeared before it that he bore no relation to any organization interested in the tariff, was evasive and disingenuous in his answers to questions propounded to him by members of the committee, and, in part, by his testimony, conveyed the impression to the committee that as a result of his trip to Europe as adviser of the Treasury commission very substantial additional sums were recovered by the Government in consequence of undervaluation of importations. The published reports, however, of the proceedings before the various boards of appraisers and the courts, afterwards introduced, disclosed the truth to be as hereinbefore set forth.

The chairman of the Tariff Commission, to whom the complaint by Burgess of Koch was preferred was, for many years prior to his appointment, secretary of the Home Market Club, an organization interested in the promotion of a policy of a protective tariff, publishing a magazine, the Protectionist, receiving from it a salary of \$8,000 a year. He had served as such since about 1908 and was present in Washington while the Payne-Aldrich bill and the Underwood-Simmons bill were under consideration. He had, prior to the time of his becoming secretary of the Home Market Club and thereafter, published articles and written newspaper editorials dealing with the tariff question from the protectionist's point of view.

There is no doubt that Burgess appealed to Marvin to dismiss Koch or otherwise discipline him to constrain him and other members of the force of the Tariff Commission to refrain from giving any information that might militate against the enactment of the highest possible rates of duty or from aiding members of the committees of Congress or Senators and Representatives who might be believed to be desirous of reducing the duties, his acts amounting approximately to contempt of the Senate, if they do not constitute such.

T. H. CARAWAY, *Chairman.*

Mr. CARAWAY. Mr. President, I merely wish to make a brief statement.

As the report states, the witness, Mr. Burgess, testified before the Senate Finance Committee that he represented no interest; that he was speaking only as one of a group who sought protec-

tion for their own industry. He reluctantly admitted, however, that he was in the employ of the Potters' Association at \$7,500 a year; that he was in the employ of a wool association, from which he received \$2,400 a year; and that he was employed by other associations and manufacturers, some of whom he had been representing for a number of years, and from whom he received substantial contributions. He objected, however, to saying what he got or whom he represented; he said that was nobody's business. Under repeated questioning to ascertain what services he rendered to these people for a salary that amounted certainly close to \$20,000 a year, he finally said that his only duty was to be a witness; that he was a professional witness. Then he admitted that his contract, at least that with the pottery interests, required him, if they should ask it of him, to come to Washington and assist in tariff legislation, and that he so came, although he would occasionally revert to his original declaration that that was no part of his employment. However, the facts are that he was employed, and the only services he rendered, outside of what assistance he may have been to the industry as a tariff lobbyist, was in being a professional witness before the Customs Court.

One of the evils to which I wish to call attention is this: He went before the chairman of the Tariff Commission and demanded that Mr. Koch, a tariff expert, should be removed from the service. Burgess denied that, but Chairman Marvin said there was no other occasion for him to be there and that was the only impression which had been created upon his mind as to the occasion of the visit of Burgess, namely, that he wanted Mr. Koch removed from the service. Another member of the commission came in and received the same impression, although Mr. Burgess denied that Mr. Koch was mentioned. He referred, however, to a labor leader at East Liverpool, Ohio, who had accompanied him, and said that he demanded this. I telegraphed that so-called labor leader—I do not know him—and asked him if he would come before the committee. He never replied to my telegram, except to send a printed circular which had been issued by the Potters' Association, and which gave us, of course, no information.

However, the evil does not stop there. Mr. Burgess under oath stated that at least three members of the Senate Committee on Finance had joined with him in condemning Mr. Koch. He went so far as to quote two of them in their expressed disapproval. Each one of them has taken occasion to refute that statement by their commendation of Mr. Koch on the floor of the Senate, which, of course, makes us know that not only was Mr. Burgess willing to accept money as a lobbyist and then under oath deny it and conceal it when the chairman of the Senate Finance Committee and others asked him about his employment, saying that he had none, but he was willing to try to frame Koch with a declaration that Members of the Senate in their secret meetings had joined with him in condemning Koch's activities. He pretended to quote the exact language of the Senator from New Jersey, who, however, repudiated the statement here upon the floor of the Senate.

The only thing I want to say about it is that this paid lobbyist had no regard whatever for his reputation, no hesitancy in committing perjury, but, in addition to that, he was willing to slander Members of the Senate by trying to bolster up his case before the Tariff Commission, securing the removal of a man who had testified as to the condition of an industry in a way he did not think would help that industry to get what the lobbyist was demanding for it.

PETITIONS

Mr. JONES presented petitions of sundry citizens of the State of Washington, praying for the passage of legislation requiring the registration of aliens, which were referred to the Committee on Immigration.

Mr. CAPPER presented resolutions adopted by the city commissioners of Lawrence, Kans., favoring the passage of legislation granting increased pensions to soldiers, sailors, marines, and nurses of the war with Spain, the Philippine insurrection, and the China relief expedition, which were referred to the Committee on Pensions.

He also presented a petition of sundry citizens of Herington, Kans., praying for the passage of legislation granting increased pensions to Civil War veterans and their widows, which was referred to the Committee on Pensions.

Mr. COPELAND presented petitions numerous signed by sundry citizens of the State of New York, praying for the passage of legislation granting increased pensions to Civil War veterans and their widows, which were referred to the Committee on Pensions.

Mr. ROBINSON of Indiana presented a petition of sundry citizens of Washington, D. C., praying for the passage of legislation granting increased pensions to Civil War veterans and

their widows, which was referred to the Committee on Pensions.

Mr. TYDINGS presented a petition of sundry citizens of Baltimore, Md., praying for the passage of legislation granting increased pensions to Civil War veterans and their widows, which was referred to the Committee on Pensions.

BILLS INTRODUCED

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

By Mr. HAYDEN:

A bill (S. 2073) granting a pension to James Lee; to the Committee on Pensions.

By Mr. FLETCHER:

A bill (S. 2074) granting an increase of pension to Josephine Le Fèvre; to the Committee on Pensions.

By Mr. SHEPPARD:

A bill (S. 2075) to amend the act of May 26, 1922, amending the narcotic drugs imports and export act; to the Committee on Finance.

A bill (S. 2076) for the relief of Drinkard B. Milner; to the Committee on Military Affairs.

By Mr. VANDENBERG:

A bill (S. 2077) to amend the act entitled "An act to fix the terms of the District Court for the Western District of Michigan," approved July 9, 1912; to the Committee on the Judiciary.

AMENDMENTS TO THE TARIFF BILL

Mr. BARKLEY submitted two amendments intended to be proposed by him to House bill 2667, the tariff revision bill, which were ordered to lie on the table and to be printed.

STATE CONTROL OF PUBLIC UTILITIES

Mr. ALLEN. Mr. President, I ask consent to have published in the RECORD an able address delivered by Gov. Clyde M. Reed, of Kansas, before the national convention of Railroad and Utilities Commissioners at Glacier Park, Mont., August 29, 1929, on the subject of State control of public utilities.

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

SUMMARY OF ADDRESS BY GOV. CLYDE M. REED, OF KANSAS, TO THE NATIONAL CONVENTION OF RAILROAD AND UTILITIES COMMISSIONERS AT GLACIER PARK, MONT., AUGUST 29, 1929

(NOTE.—Governor Reed was formerly chairman of the Public Service Commission of Kansas and, as such, was an active member of the association. He is an honorary member now, and appeared before the convention by invitation.)

Governor Reed said in part:

"If this discussion, brief in the light of the importance of the questions involved, were given a title, it would be 'The Return of (Financial) Feudalism' or 'The Decline of the States,' or, perhaps, a title that would be inclusive of both phrases, for both are involved and the one is related to the other. That the States have declined in power in the last quarter of a century is undenied. The growth of financial feudalism is a contemporary manifestation, but is here, and is causing increasing concern among thoughtful people. And no one, at least no one I know or have heard of, can foresee the end or the ultimate effect of this most recent development upon the country.

"The official responsibility delegated by the people of their States to those present is the regulation of rates and service rendered by public-utility corporations, including common carriers. Our present system of regulation has been in effect and on trial for about 20 years, and if there is anyone who believes that it is an unqualified success I have not heard of him. As for myself, I have grave doubts that, under existing conditions, it can be called successful in any true sense. The failure, however, is from no weakness in the theory but from causes unforeseen at the time of enactment of this sort of legislation. Much if not most of the cause of failure lies in the interference with State power by the Federal courts, led by the Supreme Court of the United States. I shall refer to this phase in some detail, but first I want to emphasize the financial feudalistic tendency of the country.

"We all know that in the last five years there have grown up great 'holding corporations' into whose capacious and rapacious maw has been taken nearly all important public-utility companies of the country. I shall not deal with this process in detail. Prof. W. Z. Ripley, of Harvard, in his writings, and United States Senator THOMAS J. WALSH, of Montana, in his speeches in the Congress, laid the foundation for the Federal Trade Commission investigation which has so informed, astonished, and shocked the country as to the lengths of unpatriotic, not to say illegal and corrupt, conduct of which some of the great utility companies and their agents and agencies were guilty. In a time of a more alert public sentiment, condemnation would have been more harsh than has been the case, and the guilty companies have been more severely criticized. As it is, I can not see it has had any effect on them, except perhaps to regret being caught with the goods on. Nothing short of substantial monetary losses or jail sentences would have any real effect on the men

gully of the things brought to light in the investigation. The public—at least a considerable fraction of it—is thinking of making a few dimes for itself, some of these hoped-for dimes to come through 'holding companies' responsible for the reprehensible practices. So long as that hope is there, the fraction of the public holding it is not likely to become excited over anything short of mayhem or murder.

"To anyone familiar with the various stock and other forms of financial exchanges there has come a fear that the American public is indulging in a speculation orgy compared to which the South Sea bubble and the later Mississippi bubble were bubbles indeed. And the ultimate result can not be much different than previous experiences of the same nature. Not only public-utility companies but banks, oil companies, chain stores, aviation organizations, bakeries, flour mills, and any and every sort of business is merging and remerging, and with each wave comes a flood of stocks of various sorts, offered to and quickly taken by the public. Doubtless some of these mergers have economic reasons behind them, but equally doubtless, many of them are only financial tail spins, to catch the public eye and unload while the unloading is good. 'Customer ownership' it is called, in public-utility financial terms. A fetching and catching phrase, but the poor customer does not realize that in most cases he has not any ownership, to speak of, and absolutely no chance for the slightest influence in management or control. All he has done is to loan his money on a basis of margin of unreasonably high earnings, and when that condition is finally corrected, as sooner or later it must be, the 'customer owner' will be holding the sack. Senator WALSH and Professor Ripley have set this out so clearly that I need not repeat it here. It may be worth mention, in passing, that as I write this to-day's afternoon paper comes, and this headline catches my eye (being a 2-column head, it could not escape the eye):

"'Huge Minneapolis holding company to control 34 banks in Northwest.'

"I leave to my banker friends discussion of the soundness of 'bank holding companies.' It precisely illustrates the tendency which I have been trying to describe. Carried to its logical conclusion, the country would end up with each line of business in the hands of a few corporations, control of which would be in the hands of a very few men—'feudal barons' of finance to whom all of us would pay tribute. I am not unmindful of the tendency toward larger economic units in many things, and the sound underlying reasons therefor, but these exceptional instances do not account for the financial debauch the country is engaged in just now. There is, in my judgment, real danger to the country in these tremendous consolidations and concentrations of capital, and I agree with what Governor Roosevelt, of New York, recently said upon this subject.

"Let us get back to the failure of State regulation of public utilities and the main reason therefor—the Federal judiciary. In most cases the State or the law is not at fault. Laws regulating public utilities were passed under the belief that the States had something to say about their own business, even though corporations and corporate property were involved. The Supreme Court of the United States had appeared to think so for a hundred years, so the legislatures went ahead to serve the public interest, according to their best light, in the decade following 1900. Since that time we have found that State legislatures, State commissions, and State supreme courts are only weak and futile gestures, and that all power of final decision is lodged in the Federal judiciary. Trials in State courts, no matter how able and impartial, including decisions on appeal by State supreme courts, is not 'due process of law' and has no more weight and effect than a preliminary hearing in a misdemeanor case before a justice of the peace. This is why attempted regulation by the State has failed—and will fail until the Supreme Court of the United States is brought back to first principles—principles followed by that court in the first century of our existence.

"I am a layman. Let me describe the situation in language of learned lawyers and judges, including judges now sitting on the Supreme Court of the United States.

"In brilliance, profundity, and broad legal attainments, the leader of the Kansas bar is F. Dumont Smith, of Hutchinson. He wrote a book entitled 'The Constitution—Its Story and Battles.' On page 168 he says: 'It was not until 1890 * * * that its [United States Supreme Court] decisions began to lean steadily, continuously, and increasingly toward aggrandizement of the Federal power and the degradation of the States.'

(At this point Governor Reed quoted from chapter 15 of The Constitution—Its Story and Battles (F. Dumont Smith), the language of which is as follows:)

[From The Constitution—Its Story and Battles, by F. Dumont Smith, students' edition]

CHAPTER 15

THE REVOLUTION

"In the preceding 14 chapters I have covered almost exactly 100 years of the life of the Supreme Court, considering those decisions which seem to me epochal and formative. Surveying these decisions as a whole, it is clear that the formative influence of the Supreme Court

has been controlling in retaining the structure of the Government as the fathers intended it. While the court has at times been strongly nationalistic, and at other times preponderatingly for the rights of the States, nevertheless the statement of Judge Miller, in the Slaughter-House cases, is unqualifiedly true:

"Whatever fluctuations may be seen in the history of public opinion on this subject during the period of our national existence, we think it will be found that this court, so far as its functions required, has always held, with a steady and even hand, the balance between State and Federal power, and we trust that such may continue to be the history of its relation to that subject so long as it shall have duties to perform which demand of it a construction of the Constitution or of any of its parts."

"Marshall, the strongest of Federalists, respected the rights of the States with the utmost care. It was early established that the State courts were supreme within their own sphere. That whenever a State court had interpreted its own constitution or laws or procedure, such determination was binding upon the Supreme Court of the United States. Marshall brooked no interference in the exercise of national jurisdiction in interpreting 'the Constitution, laws, and treaties of the United States.' But he was equally sedulous to preserve the independence of the States from Federal interference. He saw with the broad vision of a statesman what the founders clearly saw, that a careful maintenance of the just balance of power between these two sovereignties was necessary for the prosperity and continuity of this Republic. So, under the guidance of this great court, the centrifugal power of the Federal Government, and the centripetal force of the State Governments, had been held in absolute balance.

"At the end of a hundred years the Federal power had been firmly consolidated and the power of the States remained undiminished. We approach now a revolution in our form of government, accomplished by the Supreme Court of the United States, so startling that it seems almost incredible, and this revolution was completed so silently that it has passed almost unnoticed, even by the careful historians of the Constitution and of the court.

"If there was anything definitely decided by the Slaughter-House cases, it was that the Supreme Court of the United States had no power to interfere with the domestic concerns, constitutions, and statutes of the States. The doctrine was repeatedly affirmed in the next 15 years in the Civil Rights and other cases, but from the hour that decision was announced litigants began a continuous and persistent assault upon the doctrine of the Slaughter-House cases. Appeals from State decisions under the fourteenth amendment, claims that the party had been deprived of his property by State legislation and State decisions 'without due process of law,' poured in upon the court. These cases became so numerous that the court at one time somewhat petulantly reproved lawyers who were bringing these cases up from the State courts, and begged them to read again the Slaughter-House decision.

"That corporations should seek the protection of the Federal courts wherever possible is natural. There is, among the great mass of our people, a deep-rooted hostility to corporations, born partly of fear of these great aggregations of capital, nourished, more or less, by demagogues, but partly growing out of evil practices, corruption, and oppression of corporate bodies. To reach the Federal court, and especially the equity side, thereby evading a trial by jury generally prejudiced against it, is the natural aim of every corporate litigant.

"If the Slaughter-House cases could be reversed or annulled, and if the fourteenth amendment could be so interpreted as to include within its protection not only colored men but all persons; and if a corporation could be held to be a person within the meaning of this amendment, it would be an enormous gain for corporate litigants, thus escaping not only State courts but jury trials—as such protection would always be exercised on the equity side.

"Therefore lawyers for corporations continuously and skillfully assaulted the court to break down the force of the Slaughter-House decision. In this they had a powerful advocate on the Supreme Bench in Judge Field, who was not only a vigorous nationalist but believed thoroughly that the Federal courts were instituted largely to protect invested wealth from confiscatory assaults by any agency of the State.

"Five years after the Slaughter-House cases, in 1877, the case of *Davidson v. New Orleans* (96 U. S. 97, 24 L. Ed. 616, affirming 27 La. Ann. 20) was decided, and Judge Miller wrote the opinion. The case involved the validity of the assessment of certain taxes by the city of New Orleans, but the court held that inasmuch as the law providing for these taxes gave the taxpayer a hearing in the State courts which decided against her on appeal, that thereby she had had 'due process of law.' The court did not undertake to investigate the decision of the Supreme Court of Louisiana. It merely examined the statute, and having found that the defendant had had her day in court, that she could not bring herself within the fourteenth amendment. The fact that the court considered her claim showed a tendency to extend the doctrine of the Slaughter-House cases to other persons than those of color. Comparing the language of the fifth amendment, which is identical with that used in the fourteenth amendment, Judge Miller remarks:

"It is not a little remarkable that while this provision (taken from the fifth amendment) has been in the Constitution of the United States as a restraint upon the authority of the Federal Government for nearly a century, and while, during all that time, the manner in which the powers of the Government have been exercised has been watched with jealousy and subjected to the most rigid criticism in all its branches, this special limitation upon its powers has rarely been invoked in the judicial forum or the more enlarged theater of public discussion. But while it has been a part of the Constitution as a restraint upon the power of the States only a few years, the docket of this court is crowded with cases in which we are asked to hold that State courts and State legislatures have deprived their own citizens of life, liberty, or property with due process of law. There is here abundant evidence that there exists some strange misconception of the scope of this provision as found in the fourteenth amendment. In fact, it would seem, from the character of many of the cases before us, and the arguments made in them, that the clause under consideration is looked upon as a means of bringing to the test of the decisions of this court the abstract opinions of every unsuccessful litigant in a State court of the justice of the decision against him and of the merits of the legislation on which such a decision may be founded. If, therefore, it were possible to define what it is for a State to deprive a person of life, liberty, or property without due process of law, in terms which would cover every exercise of power thus forbidden to the State and exclude those which are not, no more useful construction could be furnished by this or any other court to any part of the fundamental law."

"He then lays down the fundamental proposition that where a person has had his day in court, by the ordinary procedure of the State where the case is tried, that is due process of law with which the Supreme Court will not interfere, he says:

"That whenever by the laws of a State, or by State authority, a tax, assessment, servitude, or other burden is imposed upon property for the public use, whether it be of the whole State or of some more limited portion of the community, and those laws provide for a mode of confirming or contesting the charge thus imposed, in the ordinary courts of justice, with such notice to the person, or such proceeding in regard to the property as is appropriate to the nature of the case, the judgment in such proceedings can not be said to deprive the owner of his property without due process of law, however obnoxious it may be to other objections.

"It may violate some provision of the State constitution against unequal taxation, but the Federal Constitution imposes no restraints on the States in that regard. If private property be taken for public uses without just compensation, it must be remembered that when the fourteenth amendment was adopted the provision on that subject, in immediate juxtaposition in the fifth amendment, with the one we are construing, was left out, and this was taken. It may possibly violate some of those principles of general constitutional law, which if we were sitting in review of a circuit court of the United States, as we were in the *Topeka* case (*Citizens Sav. & L. Assoc. v. Topeka*, 87 U. S. (20 Wall.) 655, 22 L. Ed. 455, affirming 3 Dill. 376, Fed. Cas. No. 2, 734), we could take jurisdiction of. But, however this may be, or under whatever other clause of the Federal Constitution we may review the case, it is not possible to hold that where by the laws of the State the party aggrieved has, as regards the issues affecting his property, a fair trial in a court of justice, according to the modes of proceeding applicable to such case, that he has been deprived of that property without due process of law. This was clearly stated by this court, speaking by the Chief Justice, in the case of *Kenard v. Morgan* (92 U. S. 480, 23 L. Ed. 478, affirming 25 La. Ann. 238), and repeated, in substance, in the case of *McMillan v. Anderson* (95 U. S. 37, 24 L. Ed. 335, affirming 27 La. Ann. 18).

"This proposition covers the present case. Before the assessment could be collected, or become effectual, the statute required that the tableau of assessments should be filed in the proper district court of the State; that personal service of notice, with reasonable time to object, should be served on all owners who were known and within reach of process, and due advertisement made as to those who were unknown, or could not be found. This was complied with; and the party complaining here appeared, and had a full and fair hearing in the court of the first instance, and afterwards in the Supreme Court. If this be not due process of law, then the words can have no definite meaning as used in the Constitution."

"This doctrine of the independence of the State, wherever their legislation or decisions did not interfere with the national concerns, was first announced in 1798 in the case of *Calder v. Bull* (3 U. S. (3 Dall.) 386, 1 L. Ed. 648, affirming 2 Root (Conn.) 350), and continuously affirmed and reinforced in almost every possible sort of a case for nearly 100 years.

"In *Galpin v. Page* (85 U. S. (18 Wall.) 350, 21 L. Ed. 959, reversing 1 Sawy. 309, Fed. Cas. No. 5, 205), decided in 1874, four years after the fourteenth amendment was adopted, the question of the conclusiveness of the finding of a State court as to its own jurisdiction, came squarely before the Supreme Court. The finding of the lower and supreme State

court upon the question of jurisdiction was collaterally attacked in the Federal court. Judge Field said:

"The adjudication of the appellate court [of California] constitutes the law of that case upon the points adjudged, and is binding upon the circuit court and every other court, when brought before it for consideration. The circuit court possesses no revisory power over the decisions of the supreme court of the State, and any argument to show that that court mistook the law and misjudged the jurisdictional fact, would have been out of place. There were no facts before the circuit court which were not before the supreme court of the State when its judgment was pronounced."

"Note the language, 'any argument to show that that court mistook the law and misjudged the jurisdictional fact, would have been out of place.' Such then was the law down to 1894; in other words, for 20 years after the decision in the Slaughter-House cases. During those years the court had been completely reorganized. The judges who concurred in the Slaughter-House decision had died or retired, and their places taken by judges of vastly different training, views, and learnings."

"We have just noted that in the decision of *Galpin v. Page*, the finding of a State court as to its own jurisdiction is final and binding upon the Federal courts. I turn now to *Scott v. McNeal* (154 U. S. 34, 38 L. Ed. 896, 14 Sup. Ct. Rep. 1109, reversing 5 Wash. 309, 34 Am. St. Rep. 863, 31 Pac. 873), decided in 1894. In that case the plaintiff Scott, living in the State of Washington, had disappeared from his home. After an absence of more than seven years, with nothing heard from him, his wife applied to the probate court in the proper county, setting forth the facts of his disappearance and the length of time that had elapsed, and the probate court, following the presumption arising from seven years' absence, found that Scott was dead and appointed an administrator. The administrator duly applied for authority to sell the real estate of Scott. A piece of land was sold, and the title passed by mesne conveyances to the defendant, McNeal. Scott reappeared, forcefully denied that he was dead or ever had been, and brought ejectment against McNeal for the possession of this land. It was conceded that all of the proceedings connected with the sale of the land had been regular and according to law. It was a collateral attack, and Scott relied upon the fourteenth amendment to invalidate these transfers of land; that, inasmuch as he was alive when the administration was had, he had been deprived of his property without due process of law. The lower court held that the proceedings were regular, that the presumption of death arising from seven years' absence under the Washington law was conclusive as to the property rights involved, and denied the plaintiff any relief. He appealed to the Supreme Court of Washington (Wash. 309, 34 Am. Rep. 863, 31 Pac. 873), which affirmed the decision of the lower court, and denied the plaintiff any relief; he then appealed to the Supreme Court of the United States. The Supreme Court held that, under the fourteenth amendment, Scott had been deprived of his property without due process of law, and reversed the case. It disregarded the findings of the lower court as to its jurisdiction; ignored all of its previous decisions from the Slaughter-House cases on, and held that wherever the question of jurisdiction was raised the Supreme Court, under the fourteenth amendment, could examine the jurisdiction of the State court, and that it was not bound, as held in *Galpin v. Page*, by the finding of the State court upon this jurisdictional matter."

"The amazing thing about the case is that, while it reverses in effect the doctrine of at least eight of its own decisions, not the slightest reference is made to any of them. So far as the court's opinion is concerned the great decisions in the Slaughter-House cases and *Davidson v. New Orleans* might have been so much waste paper. It ignores the fact that Scott had had his day in court, had had a fair trial with all the forms of law, and that therefore either he had had due process of law, or else the decision in *Davidson v. New Orleans* was not the law of the Supreme Court—but no reference is made to that case. The court cites some of the Civil Rights cases, which I have noted in a previous chapter (see ante, pt. 3, chap. 12), such as *Ex parte Virginia*, that the provisions of the fourteenth amendment 'extend to the acts of the State, whether through its legislative, its executive, or its judicial authorities.' None of these decisions are authority in any way for the decision in *Scott v. McNeal*. For instance, in *Ex parte Virginia*, which was the colored jurors case, the court expressly held that the county judge, in drawing the jury, was not acting in a judicial capacity. In fact, down to the decision of *Scott v. McNeal* no decision had yet held that the fourteenth amendment applied to judicial acts performed in the due course of law of the State, in a trial where the party complaining had had full opportunity to defend and right of appeal. Such cases had been uniformly held to be outside the purview of the fourteenth amendment, however else it might be interpreted."

"By this decision the court, in effect, constituted itself a court of appeal and errors from every decision of the State supreme court, where the question of jurisdiction was involved. This opened a whole new field of jurisdiction, that has been largely occupied by litigants, and has greatly increased the labors of the court. That it was revolutionary in its character no candid mind can doubt."

"I turn now to another phase of this revolution, equally remarkable. The railroad corporations were continuously appealing to the Supreme Court from various restrictions, burdens, and servitudes imposed by the State legislatures, invoking always the fourteenth amendment. The court uniformly considered these appeals, and as uniformly denied them. One of the crucial cases was *Stone v. Farmers Loan & Trust Co.* (116 U. S. 307, 29 L. Ed. 636, 11 Sup. Ct. Rep. 334, 388, 1191, reversing 20 Fed. 270), decided in 1886, where the Mobile & Ohio Railroad Co. appealed from a law of Mississippi establishing a railroad commission, with power to regulate rates. The railroad company relied upon its charter as a perpetual grant of power to fix its own rates. The Supreme Court held that the legislature could not thus part with its police power of rate regulation, unless it was shown by the charter in the plainest and most specific terms, and the claim was denied. Upon the question of the fourteenth amendment, the court held that the State had a right to establish a railroad commission with power to fix rates, but as the commission had not as yet fixed rates, no right of the railroad company had been impaired, and the appeal was dismissed; but in the course of the decision, the court used this language, after upholding the power of regulation:

"From what has thus been said, it is not to be inferred that this power of limitation or regulation is itself without limit. This power to regulate is not a power to destroy, and limitation is not the equivalent of confiscation. Under pretense of regulating fares and freights, the State can not require a railroad corporation to carry persons or property without reward; neither can it do that which, in law, amounts to a taking of private property for public use without just compensation, or without due process of law. What would have this effect, we need not now say, because no tariff has yet been fixed by the commission, and the statute of Mississippi expressly provides 'that in all trials of cases brought for a violation of any tariff of charges, as fixed by the commission, it may be shown in defense that such tariff so fixed is unjust.'"

"This was pure dictum, unnecessary to the decision of the case, but it expressed the views of the court. It was a warning that railroad property could not be confiscated by the will of the State legislature. The court had already overruled its decision in the Granger cases, holding that the power to fix rates was purely legislative, with which the courts could not interfere. It will be noted that in the paragraph just quoted the court held that a rate that did not give the railroad company a return upon its investments would amount to the taking of private property for public use without compensation. A most righteous decision, applicable to all these statutes in all courts."

"In all of these cases the question of whether a corporation is a person under the fourteenth amendment had not been discussed by the court. In *Minneapolis Railroad Co. v. Beckwith* (129 U. S. 26, 32 L. Ed. 585, 9 Sup. Ct. Rep. 207), decided in 1889, this momentous proposition was thus disposed of by the court, in the opinion of Judge Field, considering the fourteenth amendment:

"It is contended by counsel, as the basis of his argument, and we admit the soundness of his position, that corporations are persons within the meaning of the clause in question. It was so held in *Santa Clara County v. Southern Pacific Railroad Co.* (118 U. S. 394, 396, 30 L. Ed. 118, 6 Sup. Ct. Rep. 1132, affirming 9 Sawy. 165, 18 Fed. 385), and the doctrine was reasserted in *Mining Co. v. Pennsylvania* (125 U. S. 181, 189, 31 L. Ed. 650, 8 Sup. Ct. Rep. 737). We admit also, as contended by him, that corporations can invoke the benefit of provisions of the Constitution and laws which guarantee to persons the enjoyment of property or afford to them the means for its protection, or prohibit legislation injuriously affecting it."

"It will be noted that there is here no discussion, no reasoning in favor of this proposition. Judge Field said that it was so held in *Santa Clara County v. Southern Pacific Railroad Co.* When we turn to that case we find that nothing of the sort was held. The question of whether the word 'person' in the fourteenth amendment included corporations was not even mentioned in the *Santa Clara County* case. In that case the law of California provided that real estate and improvements should be assessed separately, and that among the various kinds of improvements were fences. The State attempted to assess the fences as part of the railroad right of way. The company paid the tax under protest and brought suit in the Federal court to recover. Judge Field, sitting in circuit, decided in favor of the railroad company, and held that the word 'person' included corporations. When it came to the Supreme Court of the United States on appeal the court, after noting the constitutional question raised by the railroad, said:

"The propositions embodied in the conclusions reached in the circuit court were discussed with marked ability by counsel who appeared in this court for their respective parties. Their importance can not well be overestimated; for they not only involve a construction of the recent amendments to the National Constitution in their application to the constitution and the legislation of a State but upon their determination, if it were necessary to consider them, would depend the system of taxation devised by that State for raising revenue, from certain corporations,

for the support of her government. These questions belong to a class which this court should not decide, unless their determination is essential to the disposal of the case in which they arise. Whether the present cases require a decision of them depends upon the soundness of another proposition, upon which the court below, in view of its conclusions upon other issues, did not deem it necessary to pass.

"It then proceeds to discuss the law of California, decides that under that law the fences are not part of the roadbed and could not be assessed under the State law, and affirms the decision of the circuit court upon that ground, wholly ignoring the question of the fourteenth amendment. The court says:

"It results that the court below might have given judgment in each case for the defendant upon the ground that the assessment, which was the foundation of the action, included property of material value which the State board was without jurisdiction to assess, and the tax levied upon which can not, from the record, be separated from that imposed upon other property embraced in the same assessment. As the judgment can be sustained upon this ground, it is not necessary to consider any other question raised by the pleadings and the facts found by the court."

"It is apparent that Judge Field had mistaken his own opinion in the circuit court for the opinion of the Supreme Court on appeal—probably one of the most curious mistakes ever made by a judge of the Supreme Court.

"Turning to the case of Pembina Consolidated Silver Mining & Milling Co. v. Pennsylvania (125 U. S. 181, 31 L. Ed. 650, 8 Sup. Ct. Rep. 737), decided in 1888, we find that the court was there considering the question of whether the State could impose a license tax upon a nonresident corporation for the privilege of maintaining an office and doing business in the State. The court held that a State had a right to exclude or admit foreign corporations at its pleasure, and in admitting such corporations it could impose conditions which were entirely valid if they were uniform as to all corporations. The question of whether a corporation was a person was not before the court. It was not argued; it was not discussed. The court does say, however:

"Under the designation of person, there is no doubt that a private corporation is included."

"To begin with, this general statement of the law is not a correct statement, as I shall show later. In this case it was pure dictum. That was equally true of the statement in the Beckwith case, because the court there held that the Iowa statute, under consideration, was valid, and it was not necessary to consider whether the fourteenth amendment would apply. From thence on, without any further discussion in treating these cases as having settled the matter, the Supreme Court has uniformly held that the word 'person' includes 'corporations' under the fourteenth amendment.

"Considering the vast mass of litigation which this doctrine has created, and which now overwhelms the court, it is certainly an astonishing thing that the principle should have been adopted thus without discussion, without reasoning, without considering binding precedents in the past decisions of the court.

"I propose now to discuss the reasonableness of this classification. In so doing it will be understood that I am not discussing the abstract justice of this inclusion. Of course, corporations should have every legal right for the protection of their property that is given to individuals. That is not the question here. The question is, Did Congress, in submitting the fourteenth amendment, and the States in adopting it, intend to change the form of the Constitution, destroy the power of the States and of State courts, as they had existed under the Constitution for a hundred years? It will be observed that these decisions completely nullify the doctrine of the Slaughter-House cases without even alluding to that decision. So, in considering the propriety of extending the word 'person' to include 'corporations,' we will disregard for the moment the decision of the Slaughter-House cases, as the Supreme Court has done, and consider the amendment itself.

"It is true that very frequently the courts hold that the word 'person' includes corporations. It has been so held in many penal as well as civil statutes. There is much confusion, however, as to when this inclusion should be applied. Some courts—in fact, many courts—hold that the inclusion will not be made unless it was the plain intent of the legislature that it should be. Probably the best test of such inclusion is to be found in a decision of the Supreme Court itself, *Beaston v. Farmers Bank* (37 U. S. (12 Pet.) 102, 9 L. Ed. 1017, affirming 7 Gill & J. (Md.) 421, 28 Am. Dec. 236). In that case the court had under consideration a statute which made the Government a preferred creditor where a 'person' indebted to the Government became insolvent. The question was whether, as there used, the word 'person' included corporations, the suit being against a corporation. Judge McKinley thus expresses the test:

"Corporations are to be deemed and considered persons when the circumstances in which they are placed are identical with those of natural persons expressly included in such statutes."

"The court finds that the corporate defendant in that case was placed in circumstances identical with those of a person who had become insolvent and holds that in such case the word 'person' includes corpora-

tions. This is the clear and logical test, and it is a test which the Supreme Court has set up, although no allusion was made to this case by Judge Field.

"Turning to the fourteenth amendment, the first section contains two propositions, the second dependent upon the first. The first is, 'all persons born or naturalized in the United States and subject to the jurisdiction thereof are citizens of the United States and of the State wherein they reside.' Certainly this can not include corporations, as corporations can neither be born nor naturalized. The intention of this provision, as decided in the Slaughter-House cases, was to make every person born in the United States a citizen of the United States, regardless of whether he was at a particular time a citizen of any particular State under its law. It created, in effect, a national citizenship, citizenship therefore having been entirely a matter for the States to regulate.

"It then proceeds with the provision that has been so often and so much mooted, that 'no State shall make or enforce any law which shall abridge the privileges or immunities of the citizens of the United States.' The word 'citizen,' as here used, undoubtedly refers back to the citizenship created by the preceding paragraph, a citizenship composed of persons either born in the United States or naturalized; and the court, as late as 1869, in the case of *Paul v. Virginia* (75 U. S. (8 Wall.) 168, 19 L. Ed. 357), had expressly held that a corporation was not a citizen under the second section of the Fourth Article of the Constitution, from which this language is taken verbatim. Follows a semicolon, and then: 'nor shall any State deprive any person of life, liberty, or property, etc.' The privileges and the immunities of the citizen and the protection of the person are thus inclosed in one paragraph.

"It is to me extraordinary that anyone can hold that it was ever the intention, in adopting this amendment, that the word 'person,' as last used above, was intended to include anything but a natural person, because the entire section, up to that point, clearly speaks of natural persons and no others. The second section provides for the apportionment of Representatives among the several States, according to their respective numbers, 'counting the whole number of persons in each State.' The third section provides 'no person, etc., shall be eligible to office who has been engaged in insurrection against the United States.'

"It will not do, in construing this great amendment, to wrench a single paragraph from its context and interpret its meaning when thus isolated. Like a will, it must be read from the four corners to obtain the intent of whoever framed it. So read, the amendment speaks of persons five times. In four of them the reference can not be to anyone but natural persons. Are we to say, then, that the word 'person,' as used in this last paragraph of the first section, meant something other and different from its meaning in the other four places? If we adopt the test of the Supreme Court itself, we shall find it difficult to think so. Are corporations placed in circumstances identical with those of natural persons expressly included throughout the amendment? Certainly that can not be. The prohibition in the very language of the paragraph we speak of includes not only deprivation of property but of life and liberty. Certainly a corporation has neither life nor liberty which is here mentioned. Life, as used here, means physical life; liberty means personal liberty. In order to meet the Supreme Court's views, the paragraph would have to read like this: 'Nor shall any State deprive any person of life or liberty, or any person or corporation of property.' That is the meaning which Judge Field's decision gives to the expression, which in the amendment is: 'nor shall any State deprive any person of life, liberty, or property.'

"No court, outside of the Supreme Court of the United States, has ever held a corporation to be a person under a statute similar in language, or in intent, to this. If we consider the entire amendment, regardless of its history and the political events which impelled its adoption, the conclusion is irresistible that the amendment throughout speaks of, and was intended to be confined to, natural persons. Throughout it deals exclusively with natural persons, with their citizenship, their life, their liberty, their enumeration for representative purposes, and their disfranchisement for insurrection; and yet the court says, in spite of that, that the word 'person,' when it comes to property, and property alone, is intended to include corporations.

"Judge Field did not undertake, nor has any other judge of the Supreme Court undertaken, to analyze this amendment and give any sort of a reason why it was intended to include corporations. No judge has done so simply because no judge can. I submit to any candid mind that these decisions—and there are some that I have yet to cite—have amended the Constitution of the United States by the act of the judiciary alone, without any vote of the people who made, and who alone can alter, the Constitution.

"The testimony of Judge Miller and his associates in his review of the events which led up to the adoption of the fourteenth amendment, a chronicle of events which is in no wise challenged or disputed by the minority opinions, ought to be sufficient; but a further test may be applied. Will any candid student of our political history assert that the States would have adopted this amendment, clearly phrased as it is, if they had known that the Supreme Court would ultimately place its present construction on it; that in adopting this amendment they were surrendering a large portion of that independence of the States, which

they had enjoyed from the beginning, that they were degrading the dignity and jurisdiction of their own supreme courts, making them in effect mere intermediate courts of appeal on the way to the final tribunal; that, as Miller predicted, they were placing the Supreme Court as a board of censors to sit in judgment upon every State enactment that affects corporations; that their action was to paralyze and render of the slightest value all future State regulations of public utilities, and orders of public-utility commissions? No sane and candid student will make such an assertion. If that be true, then either the adoption of the amendment was procured by false pretenses on the part of Congress, or the intention of the people has been thwarted by the will of the Supreme Court. But Congress no more dreamed of such a construction, when it suggested the amendment, than did the States when they adopted it. All contemporary discussion at the time of the adoption, by public men and the press, shows clearly that the fourteenth amendment was supposed to be a mere corollary of the thirteenth amendment, conferring citizenship upon the blacks just emancipated and protecting that citizenship, and but for that belief the amendment never would have been adopted.

"Indeed the Supreme Court very early established the historical rule of interpretation. In *Rhode Island v. Massachusetts* (37 U. S. (12 Pet.) 658; 9 L. Ed. 1233), the court said:

"In the construction of the Constitution we must look to the history of the times and examine the state of things existing when it was framed and adopted."

"And in the *Income Tax cases*, *Pollock v. Farmers Loan & Trust Co.* (157 U. S. 429; 39 L. Ed. 759; 15 Sup. Ct. Rep. 673, reversing 158 U. S. 601; 39 L. Ed. 1108; 15 Sup. Ct. Rep. 912), the court said:

"In construing the Constitution, the court is at liberty to refer to the historical circumstances attending the framing and adoption of the Constitution as well as the entire frame and scheme of the instrument, and the consequence naturally attendant upon the one construction or the other."

"To pursue the story of the revolution. In *Chicago, Milwaukee & St. Paul Railway Co. v. Minnesota* (134 U. S. 418; 33 L. Ed. 970; 10 Sup. Ct. Rep. 462, 702, reversing 28 Minn. 281; 37 N. W. 782), decided in 1890, which came up on writ of error to the Supreme Court of Minnesota, the rate law of Minnesota was called in question. It established a railroad commission, with power to fix rates, but made its findings conclusive, and made it the duty of the supreme court of the State, when the commission should apply to it by mandamus, to impose these rates upon the carriers. The court held the law invalid, because it deprived the carriers of a right to a judicial review of the reasonableness of the rates. This was in entire harmony with *Davidson v. New Orleans*.

"A series of cases immediately followed, beginning with the *Texas Railroad Commission cases* (*Regan v. Farmers' Loan & Trust Co.*, 154 U. S. 362; 38 L. Ed. 1014; 14 Sup. Ct. Rep. 1047), by which very shortly the Supreme Court assumed and still retains complete control of the rate making of every public utility, whether interstate or intrastate. In the much-discussed case of *Smyth v. Ames* (169 U. S. 466, 42 L. Ed. 819; 18 Sup. Ct. Rep. 418, affirming 64 Fed. 165), the court established the basis of rate making upon 'reproduction value.' Several speculative elements—such as 'going value,' loss during preliminary period, etc.—have since been added, so that to-day the basis of rate making, so far from being scientific, is as puzzling and distracting as the famous 'rule of reason' in the antitrust cases.

"The revolution was now complete. It has resulted in an enormous increase in the business of the court. In the last 25 years more than 2,000 of these cases have been taken to the Supreme Court and more than 800 decided, the others being dismissed for want of merit, and 345 State statutes annulled. A curious thing about this revolution is the fact that all the historians of the Supreme Court that I have been able to examine make no allusion to this vast change in our form of government. All of them leave the impression that the doctrine of the *Slaughter-House cases* is still in full force. There seems to be a conspiracy of silence on the subject. Undoubtedly every lawyer whose practice is corporate, or chiefly so, will approve of this revolution. That is natural. 'The dyer's hand is subdued to that which it works in.' But to the thoughtful and impartial lawyer there is a question whether it is worth while to prevent occasional injustice to corporations by completely destroying that balance of power between the Nation and the States that was so carefully established by the founders and so sedulously guarded by the Supreme Court for more than 100 years.

"The Supreme Court itself took the first step toward centralization, and Congress and the Executive have been swift to follow. As a result the States have lost their old robust vigor and independence. They have been degraded, in effect, to mere geographical expressions. Their supreme courts are no longer courts of last resort, but intermediate tribunals, and the Supreme Court of the United States sits as a board of censors upon every enactment that affects corporations, whether local or interstate. This is precisely what Miller predicted would happen if the present interpretation of the fourteenth amendment were adopted. The result of this centralization has been to build up a great bureaucracy in Washington, with more than 700,000 members, constantly increasing.

The greatest danger to this country is not from below, but from above; not from the reds and anarchists, but from the bureaucrats. It is profoundly significant, although apparently unnoted by the public, that the scandals that have been rife in Washington have not touched the elective servants of the people—Congress and the President. All the slime and filth of corruption, bribery, and malversation is confined and absolutely limited to the bureaucracy. Such has it been in all history. It was the corruption and inefficiency of the bureaucracy and not czarism that destroyed the great Russian Empire. It was the corruption and inefficiency of the Italian bureaucracy as much as Bolshevism that drove Italy into the arms of Fascisti. It was the corruption and inefficiency of the Spanish bureaucracy that compelled a dictatorship. And the Washington bureaucracy, with its strangle hold on the Government, its corruption and inefficiency, is running true to historical form. A bureaucracy is the most odious of all tyrannies, because it is anonymous. While we have been pursuing this course our English cousins have been decentralizing, not only granting full self-government to their colonies and to Ireland, but decentralizing at home by establishing such local governmental bodies as the London County Council, with legislative and administrative powers almost equal to our States.

"It will be observed that I am against any revolution, whether from below or above. I am opposed to any amendment to the Constitution that is not adopted by the people. In short, upon the question of the Constitution, I am a counterrevolutionist, a reactionary. I would replace the ancient landmarks and relight the old beacons that burned, with an illumining power, for more than a hundred years. While the present court has no outstanding figures like Marshall, Taney, and Miller, in the average of its ability, in its composite character, it has not been surpassed by any in our history. It seems to me that I see signs of a reaction in its decisions, a tendency of the pendulum to swing toward State rights. I hope this is true. If I did not hope so, I should fear for this Republic.

"I do not think that I exaggerate the immeasurable importance of the federative principle and the independence of the States. I quote from the greatest American historian of our times, John Fiske, in the *Critical Period of American History*.

"If the day should ever arrive (which God forbid) when the people of the different parts of our country shall allow their local affairs to be administered by prefects sent from Washington, and when the self-government of the States shall have been so far lost as that of the Departments of France, or even so far as that of the counties of England—on that day the progressive political career of the American people will have come to an end, and the hopes that have been built upon it for the future happiness and prosperity of mankind will be wrecked forever."

Mr. Smith has lots of company. On page 737 of the *Michigan Law Review*, volume 20, this is found:

"For those who love precision and definiteness, the question of the application of the fourteenth amendment to social and economic problems remains an irritating enigma. The judicial construction of due process of law, and the equal protection of the law, has from the first discouraged systematic analysis and defied synthesis. More than one writer has emerged from the study of the problem with a neat and compact set of fundamental principles, only to have the Supreme Court discourteously ignore them in the next case."

In the same volume, page 740, there is this reference to the forecast made by Justice Miller (regarded by many as the ablest judge, except Chief Justice Marshall, who ever sat upon that court) of what would happen if the court ever came to do what it has done:

"We also find Mr. Justice Miller, who had written the opinion of the majority in the *Slaughter-House cases*, complaining in a still later decision, of the existence of 'some strange misconception' as to the scope of the due-process clause, which causes it to be regarded 'as a means of bringing to the test of the decision of this court the abstract opinions of every unsuccessful litigant in a State court of the justice of the decision against him, and of the merits of the legislation on which such a decision may be founded.'"

Such expressions could be indefinitely cited, but the great vested interests, having been able to get the Supreme Court to reverse its policy of 100 years, have been able to hold it to that course. But not without protest and dissent from the liberal and enlightened members of the court itself.

In a very recent decision the United States Supreme Court overturned a Massachusetts statute on bank taxation. Here is what Justice Harlan M. Stone (with the concurrence of those other liberals who have the country's confidence—Justices Holmes and Brandeis) said about the decision of his own court:

"There is no constitutional principle and no decision of this court of which I am aware which would deny to the State the power so to tax the privileges which it has conferred upon petitioner. For 70 years this court has consistently adhered to the principle that either the Federal or State Governments may constitutionally impose an excise tax on corporations for the privilege of doing business in corporate form, and measure the tax by the property or net income of the corporation * * *. It would seem that only considerations of

public policy of weight, which appear to be here wholly wanting, would justify overturning a principle so long established."

Thus did the Supreme Court contemptuously kick aside another State statute.

But the solicitude of the highest court for property rights is not restricted to overturning State courts in tax and public utility rate cases. In the recent O'Fallon Railroad Valuation case, where the Interstate Commerce Commission valuation was set aside—to the financial benefit of the railroads of \$10,000,000,000, if followed to its logical conclusion—Justice Stone, in a dissenting opinion (again concurred in by Justices Holmes and Brandeis) said:

"Without discussion of the evidence and other data which received the consideration of the commission, the opinion of this court seems to proceed on the broad assumption that the evidence relied on, mere synthetic estimates of cost of reproduction, must so certainly and necessarily outweigh all other considerations affecting values as to require the order of the commission to be set aside."

No one to-day holds to the extreme view that resulted in the Civil War, namely, that States were sovereign to the extent that they might at will disrupt the Union. But I am not yet ready to subscribe to the doctrine that States are so weak and helpless as to render it necessary to take away their power to handle matters which in their essence belong entirely to State and not to National Government. The necessity of preserving the powers of the States in this respect has not been stated anywhere better than by that great historian, John Fiske, when, in the *Critical Period of American History*, he said:

"If the day should ever arise (which God forbid) when the people of the different parts of our country shall allow their local affairs to be administered by prefects sent from Washington, and when the self-government of the States shall have been so far lost as that of the Departments of France, or even so far as that of the counties of England—on that day the progressive political career of the American people will have come to an end and the hopes that have been built upon it for the future happiness and prosperity of mankind will be wrecked forever."

Steady encroachment by the National Government, partly by congressional enactment but largely by judicial decisions, is having the effect of robbing the States of not only their power but their strength and causes apprehension to arise in the minds of thoughtful people. The process by which this effect is being accomplished is described by Hannis Taylor, an eminent authority upon the subject, in his standard legal textbook, *Due Process of Law*, as "a swelling stream of decided cases is rapidly expanding into a vitally important body of judge-made laws."

Our Constitution contemplates that laws shall be enacted by Congress and the several State legislatures. Courts were erected only for purposes of interpretation. I have quoted lawyers, eminent in their profession, who have described the tendency of courts to assume legislative powers as usurpation of functions not belonging to judicial bodies.

I rest the case upon their expression and those of the Supreme Court judges themselves. This tendency of the Federal judiciary is a grave threat to our form of government, in which the States have a vital part.

SMUGGLING OF HABIT-FORMING NARCOTICS

Mr. BLEASE. Mr. President, I ask unanimous consent to have printed in the *RECORD* an article which appeared in the *Washington Post* of yesterday entitled "Seeking the Real Dope on 'Dope.'"

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

[From the *Washington Post*, Sunday, November 10, 1929]

SEEKING THE REAL DOPE ON "DOPE"—THE TARIFF BILL HAS RECENTLY CENTERED THE ATTENTION OF THE SENATE UPON AN ILLICIT TRAFFIC THAT TRANSCENDS LIQUOR AND IMPERILS THE WELFARE OF THE RACE—TRICKS OF THE SMUGGLERS OF HABIT-FORMING NARCOTICS AND LOOP-HOLES IN THE LAW—IMPORTATIONS VASTLY EXCEED ANNUAL MEDICINAL NEEDS

By Lucy Salamanca

With impassioned pleas still ringing in the Chamber of the Senate decrying a tariff amendment which threatens to facilitate the illegal importation of "damnable drugs" and "deadly narcotics"; with a medical statesman lending the forces of his eloquence to an all-day session of members of the Federal Narcotic Control Board in an effort to prohibit the importation of unconscionable quantities of opium over and above the medical needs of the country in 1930; with the arrest of a practicing physician on a charge of prescribing illegally for narcotics and of a clerk of the Department of Commerce on a charge of forgery in his efforts to procure drugs for his wife—the mother of two children—all within a fortnight within the Nation's Capital—little wonder that Washington has had thrust, perforce, upon its attention not only the nation-wide prevalence of his dire evil, but the prevalence within its own limited boundaries as well of that "curse of the world" which Dr. Emile Toulouse, medical director of psychiatry and mental prophylaxy of the department of the Seine, has declared—likewise within the fort-

night—"to be a 'biological and medical problem,' upon the solution of which may depend the welfare of the established state and preservation of a high type of mankind."

"We can stand in the window of the office of the Secretary of the Senate," declared Senator COLE BLEASE, of South Carolina, a few days ago on the floor of the Senate, "and see where the stuff is being sold in Washington every day!" And the worthy Senator backed his statement by dramatically producing before the eyes of his colleagues a day or two later a small square package containing a quantity of opium, which he presented with these words: "I wish to offer to the Senate tangible proof that dope is being sold in the Nation's Capital. I hold in my hand and display to the Senate the actual article that was bought on the 8th day of October here in the city of Washington."

And yet such a gesture might have been duplicated in any city of any size in the United States, for the use of drugs is as widespread as the boundaries of civilization and savagery, as deep-seated as the viciousness of human nature. Since man first discovered that in the sticky ooze from the poppy blossom lay oblivion, the insidious vice has demoralized and degraded humankind.

In those countries along the Mediterranean, or in distant Persia, where fields of scarlet poppies bend and toss under blue skies, the natives move through the fields, scooping from the matured blossoms the sticky substance which lies in its heart and drips from its petals. This is collected into a ball of hard, brown gum—the opium as it finds its way in a raw state, legally or illegally, into the United States—from which the smoking opium "toy" is produced, as well as the derivatives, morphine, codein, and dionin, all character-destroying drugs. Of these fields of scarlet poppies Senator ROYAL S. COPELAND said, in a fervent and eloquent plea before the Federal Narcotic Control Board on October 22, "I would have the winds of the desert sweep across them and destroy them." The board was meeting in an all-day session to determine the amount of opium which should be allowed legal entrance into the United States for 1930 for medical and legitimate needs, and a line of manufacturers and dealers had presented themselves behind the closed door of the hearing room to ask for higher importations.

Senator COPELAND was among those who urged that the importations for the ensuing year be cut below 100,000 pounds, after the medical profession had demonstrated that the figure was not too low—98,000 pounds having been legitimately consumed last year.

"This devilish narcotic," the Senator from New York stated in his plea, "undermines every bit of character the individual may possess. I honestly think the harm done by narcotics outweighs any good that might result from their legitimate use." Dr. C. C. Pierce, Assistant Surgeon General, presented a memorandum from the Public Health Service at the hearing seconding therein the New York Senator's suggestion of a scientific inquiry as a means of determining the actual medical needs of the country.

In spite of the fact that imports of opium amounted in 1929 to approximately 145,000 pounds, an official report of the United States Public Health Service states, "If all the medicinal opium now produced in the world were smuggled into this country it would not supply more than about 566,000 addicts—a number much smaller than many of the estimates which have been made of the number of addicts in this country alone."

Five hundred and sixty-six thousand human derelicts—and how many thousands more it is impossible to estimate, since these forsaken creatures must hide their vice from the eyes of the world—procure their destroyer in secrecy. Those of us who know comparatively little of the effects of these drugs can with difficulty conceive of an individual so wretchedly enslaved as to sacrifice family, friends, loved ones, home ties, the respect of the world, and—a more lamentable loss—self-respect; an individual who will relinquish all hold on decency, stultify his intellect, destroy his physical body and send his soul to hell to experience a few hours of oblivion and satisfy a physical craving. As such, the exchange is not made. For narcotics work slowly, insidiously, but surely, upon their victims. And in return for the appalling sacrifices laid down by the drug addict the gum of the poppy blossom gives not even one of those "blissful" moments that misguided romanticists glamorously attribute to this most hideous of all vices, that, more relentlessly than the octopus of Hugo's story, crushes with entwining tentacles the hopes, ambitions, and achievements of the human race, breaking down moral resistance, fostering physical deterioration until the addict has sunk lower than the animals themselves.

Incoherent of speech, furtive of glance, shifty of manner, with lusterless eyes burning dully in his cadaverous face; suspicious of all he meets; fearful always of discovery; whimpering, trembling, muscles jerking and twitching—living in constant fear of deprivation and suffering torture when money or opportunity keep him from his daily dosage—this is the dope addict in reality. And unable to secure an adequate supply of the drug which is destroying him, no possession at his command is too precious to sacrifice, no risk of disgrace or imprisonment is sufficient to deter him in his efforts to obtain it. Every fine quality of his nature, every decent, noble instinct is submerged by the insatiability of the demon that drives him, and so, of the harmless, industrious citizen the criminal is made.

I spoke a day or two ago with Mr. William Blanchard, assistant to Col. C. A. McNutt, Chief of the Federal Narcotics Control Board, and I asked him if these abandoned creatures ever "came back."

"Look at this," he said, "a man sent to Atlanta for violation of the narcotics law—a little peddler, making enough from his peddling to satisfy his own appetite for the drug. Down at Atlanta they give them the 'cold-turkey' treatment—cut them off in a swoop from their 'dope.' Here is the fellow when he entered Atlanta, and here he is after five months of the 'cold-turkey' treatment."

I saw a man of perhaps 60 or 65, his face shriveled, his eyes sunken, his cheeks sucked in, a dull, hopeless, vacant expression on his face, his hair unkempt, his clothes filthy and untidy—a human derelict in every sense of that expression. Five months of Atlanta's "cold turkey" had altered him as a man reborn. His eyes were bright, interested; there was an alert, eager expression on his face, a smile on his lips, his head was erect, he was neat and tidy. And, because he had gained 45 pounds in that five months, his cheeks were filled out, his face smooth and round.

"But the sad part of it is," Mr. Blanchard went on to tell me, "this same man—all the chances are for it—when he is released will not have the moral stamina to withstand the temptation to return to his vice. He will be back in Atlanta, more deteriorated, more hopelessly addicted than ever. He is a victim to the most appalling vice to which flesh is heir."

It is quite evident, when one considers the close check that is kept upon the legitimate importations of opium and cocoa leaves and the operating system which accounts for every grain of drugs that is sold to the individual through doctor's prescription—a system in which manufacturers, pharmaceutical houses, wholesale houses, retailers, and physicians are made to render a strict accountability of disposition, that the vast majority of addicts satisfy their appetites with drugs which have entered the United States through illicit channels. The last published report of the Commissioner of Prohibition in regard to the enforcement of narcotic laws contains this appalling statement.

"The illicit traffic in narcotic drugs smuggled into the United States seems not to have abated in any degree. With these drugs comparatively readily obtainable in European and Asiatic countries and a strong demand therefor in the United States, represented by nonmedical addicts who find it impossible to obtain a supply from the quantity domestically manufactured, it is obvious that large supplies of drugs so readily obtainable are unlawfully introduced into the United States, particularly when there are considered the resourcefulness of those engaged in the traffic and the large volume of legitimate trade of our country which offers facilities for the concealment of this illicit traffic.

"To stop the illicit influx of narcotic drugs at ports and borders is admittedly difficult, if not impossible, with the present facilities available for that purpose, and the progress of efforts to secure international cooperation looking toward an efficient measure of control over such shipments by manufacturing countries is seemingly quite slow."

The United States customs is playing a worthy and noble part in the great fight against the illicit importation of drugs; each humble agent who takes his life in his hands and mingles with the underworld in his secret operations for the wiping out of the "dope rings" that infest our cities, contributes his honest measure to the Nation's good. Yet in spite of the efforts of our national Government and the sacrifices of her agents and servants in the larger centers the fact remains that opium is being smuggled in in quantities as large as half a ton at a time—and a Senator's representative may purchase openly a package of the product within the very shadow of the Nation's Capitol. Wherein, then, does the laxness lie? And what can be further done to combat it?

Senator R. B. HOWELL, of Nebraska, has made the Senate Chamber ring latterly with his denunciation of a tariff amendment which he declares will relieve the owners of vessels on which smuggled opium is discovered from liability and "nullify the step taken by the House to protect the tens of thousands of victims in this country from the terrible drug habit and punish those who, from sordid motives, traffic in outlawed drugs."

This amendment, in the face of eloquent denunciation on the part of Senator HOWELL, Senator BLEASE, Senator GEORGE, and Senator FESS, was agreed to, with 43 yeas and 34 nays and 18 Senators failing to cast a vote. The amendment, divorced from its legal phraseology, gives the master of any vessel upon which illegal importations of opium are discovered the right to trial of his offense before a court, where he may prove his innocence by producing witnesses in his favor. Heretofore, the fine or punishment of the master of a vessel has been determined by the Secretary of the Treasury.

This amendment, on the face of it, seems a harmless enough and just enough amendment and it is perhaps a little difficult to understand, off-hand, just why the imposition of sentence by court instead of the Secretary of the Treasury should make it easier to smuggle opium into the country. Senator STEWART, of Oregon, and Senator SHORTRIDGE went to eloquent lengths to ask just this question in their warm sanctioning of the proposed amendment. The facts, as recited by Senator HOWELL, are intensely interesting and of vital importance to all those concerned with making as stringent as possible the laws governing the importation of

these products of Persian and Mediterranean poppy fields that "delude the mind and steal away the soul."

On October 2, 1928, the steamship *President Harrison*, of the Dollar Line, arrived in Jersey City and was duly boarded by customs inspectors. These inspectors were not aboard very long before they discovered on the vessel 2,665 tins of prepared opium, weighing half a ton. The contraband was seized and under the law the master of the vessel was fined \$25 an ounce for each ounce, or a fine of \$399,750, in accordance with the present tariff act.

The steamship line of which the *President Harrison* was a part filed a petition for remission of the fine, together with the captain of the ship, James Donald Guthrie, alleging that the Dollar Steamship Line had issued standing orders for all its vessels, all packages, merchandise, parcels, and articles of every kind and character brought aboard by passengers, officials, or crew to be inspected by an officer of the vessel. It was further stated in this petition that on voyage 15 around the world the *President Harrison* had carefully complied with these standing orders and had posted notices in prominent places forbidding bringing contraband on board, and that all members of the crew had been carefully searched when boarding the vessel at her ports of call.

The steamship line also declared that the master and officers of the *President Harrison* first learned of the presence of a half ton of prepared opium on board upon the arrival of the vessel in New York, and that upon discovery of the opium conducted an investigation, with the result that a Chinese boatswain, Wong Kai Hong, confessed to having been instrumental in concealing the packages on the vessel. The unfortunate Chinese was delivered into the hands of the customs officials in New York, and steps were taken to see that all letters addressed to him were turned over to these same officials.

Perhaps the most interesting part of Senator HOWELL's story comes next. The opium in question was concealed in a dead space between the skin of the ship and the sheathing adjacent to the port chain locker by cutting out a section of what is known in the parlance of the sea as the "fore-and-aft stringer plate," and which was five-eighths of an inch thick, by a drill and cold chisel, removing a section 10 inches by 17 inches. In the petition it was likewise stated that the Chinese declared no other person on board was guilty of complicity in the secreting of the opium.

The first mate of the *President Harrison*, in his affidavit, submitted in support of the plea for the remission of the fine, stated that a special detail of customs officials had boarded the vessel in New York immediately upon its arrival in port and had requested that the anchor chains be hove out of the chain lockers, with the result that the half ton of opium was discovered.

Wong Kai Hong stated subsequently that during the few hours the *President Harrison* was lying at the port of Hong Kong, and shortly after sailing, the packages of opium were secreted in the sand box and that he cut the opening in the stringer plate and stowed the contraband away in the aperture.

In bringing to the attention of the Senate the fact that vessels of this line were not thoroughly searched for contraband at ports of call, Senator HOWELL told of a young man of his acquaintance who, at the close of his college career signed with a sister ship of the *President Harrison*, in search of adventure, and circumnavigated the globe as a member of the crew. The young man in question assured the Senator that he was "never searched at any port and went aboard at every one." "Moreover," said this young man, "contraband in the form of liquor was very much in evidence. Gangway for the crew was forward and there was never anyone stationed at that gangway. You could go ashore with a suitcase, fill it with liquor or opium, walk up the gangway, and nobody would interfere. At Hong Kong and other oriental ports the sailors procured what they called 'canned lightning.' I was never conscious of any search being made on that vessel until we reached New York, and then customs officials really went through it."

In his plea against the lawlessness of this, Senator HOWELL declared: "And this is what the officials of the Dollar Steamship Line called inspection! Why do they not stop this sort of thing? Because it costs money, and then there is no penalty, so far as owners of the ships are concerned. The fine assessed in this case amounted to \$399,750 and this was reduced by the Treasury Department to \$7,500." Senator HOWELL naively added, "I understand this fine has been ordered paid now because of the row in the Senate!"

It is an interesting fact that within the period of two years the same steamship line has violated the present tariff act thirty-seven times. Total fines assessed by the Treasury Department during this period amounted to \$760,502.56. In 10 cases there was a complete remission of the fine and all fines paid amounted to only \$6,650, and yet the violations in each case included the illegal importation of opium.

One wonders how it was possible for a Chinese boatswain, in the case of the *President Harrison* violation, to drill, saw, chisel, and cut through an iron beam in order to conceal his narcotics without the attention of some member of the crew being attracted. One can discern from the pictures of the aperture made for the concealment of the opium that such a job must have presented difficulties to one desirous of preserving the utmost secrecy!

Yet the *President Harrison* is not the only case which can be quoted to illustrate the necessity for stricter instead of more lax legislation in this matter of the illegal importation of narcotics. There are thousands of ships entering our ports every year and customs officials are constantly disclosing violations of the tariff act—violations for which but the most meager of punishments are meted.

Under the newly amended tariff legislation Senator HOWELL, Senator BLEASE and their supporters contend that trial by court will make even easier the escape of punishment on the part not only of the captains of the vessels but the owners of the steamship lines as well. It is pointed out that a trial in court involves the presentation of witnesses. The captain produces members of his own crew—the only possible witnesses in such cases—and each and every one swears to the fact that due diligence was exercised in searching the vessel for contraband, that the captain was not guilty of careless investigations or perfunctory searches of his vessel, and the court must pronounce him innocent on this testimony.

In this fight against more lax legislation in cases of flagrant violation of the tariff act by the importation of character-destroying drugs and narcotics, many interesting instances have been brought to light on that field of many a wordy battle—the Hill!

We have been reminded again of a case which engaged our interest not longer than 60 days ago in the city of San Francisco. A vice consul of China entered our ports with his Chinese wife and their baggage was allowed entry under diplomatic immunity. Yet for some reason the suspicion of officials was aroused and the baggage in question was detained. Ultimately a search was conducted by Federal officers and \$600,000 worth of opium was discovered. The couple was sent back to China for trial.

On July 14, 1927, 890 tins of opium were seized by vigilant customs officials on the *President Taft*. A fine was imposed upon the steamship company of \$146,650. The fine was reduced, after a petition had been presented, to \$3,000.

Speaking against the tariff amendment, Senator JOHNSON, of California, stated a little more than a month ago, "I see only in the House provision additional precautions to prevent a growing evil, an evil which must be stamped out at all hazards if the human race is to be preserved."

The ingenuity of the individuals who traffic in illicit importations of opium and other deadly drugs is little short of astounding, and leads one to regret that minds of such resourcefulness and cleverness have not diverted their energies into constructively creative channels instead of dissipating their powers in such subtle evil contribution to the misery of the world.

I read not long ago of a certain large paper and mimeographing house in Chicago, the officers of which called in Federal authorities and turned over to them 410 tins of prepared opium, or an approximate total of 2,733 ounces of the drug. The opium had been discovered by employees of the company opening a large shipment of paper which had been made by Y. Omori Kaisoten, of Kobe, Japan, on behalf of the Japan Paper Industry Co. The case was one of 74 bearing serial numbers from 5660 to 5733, and stenciled on the cover of each of these cases was a large letter "P" within a diamond and a small letter "A" outside the diamond. The name "Chicago" was stenciled on one side and "Japan" on the other. The only feature distinguishing this particular case from the others were the serial number and the weight. Inside the case, under a thin layer of mimeograph paper were seven gunny sacks, each of which, except one, contained six tin cans, hermetically sealed, containing prepared opium. About one year prior to the seizure a similar shipment of paper checked three cases short that were never found. It was naturally assumed that the missing cases contained opium. No suspicion attaches to the receiving company in Chicago, which voluntarily reported the matter, but, while Japanese authorities have been notified, to date the persons responsible for these illicit shipments have not been discovered.

Another case which may be cited as an example of the ingenuity exhibited by these illicit traffickers in human souls is that disclosed when officers boarded the British steamship *Talithybius*, bound from Japanese and Chinese ports, in Seattle, Wash., on July 8, 1927, and discovered approximately 6,741 ounces of prepared opium aboard. The drug was contained in packages wrapped in burlap and well roped, the packages sufficiently slender to permit passage through a porthole. It was so wrapped and roped that it might be retrieved at a later date from the water. The contraband was found under cargo lumber laden at Vancouver, British Columbia.

Federal narcotic agents are ever on the alert in their war on the distribution and sale of these illegally imported drugs. Their calling takes them into strange corners, acquaints them with unholy companions. There is adventure in the work they have chosen to follow and there is real, ever-present danger. The narcotic agent must submerge himself in the life of the underworld, for it is only by so doing that he can put his fingers on the pulse of the traffic he is seeking to wipe out. By the very nature of the drugs they take and the degradation which inevitably follows in the wake of the addict, these creatures upon whom the peddlers thrive and flourish are to be found in the dingy alleys, the ill-lighted

dens, and gathering places of the underworld. And in order to ascertain the sources of their supply the agent makes himself, outwardly, one of them.

For months he lives among them, sharing their lives, sleeping amidst their surroundings, acquainting himself with their habits, their associations, their contacts with the outer world. In this way he gathers his evidence, weaves the web of that evidence more inescapably about them. It is a place not only for courage but for the exercise of wits and ingenuity, the pitting of one's cleverness against another's, the taking of a big chance. A thankless job, perhaps, for one narcotic agent "bumped off" more or less is just another news story. But it is these men who are fighting surely and unostentatiously the malignant evil in its very midst.

Yet in spite of the activities of these men and the very sincere efforts of the bureaus in whom are invested the responsibility for preventing the illegal sale and distribution of narcotics, the thousands of pounds of opium that are finding their way through illicit channels into the United States every year are being illegally sold and distributed to feed the curse which menaces the righteousness of the world. Every city of any size has its "dope joints," its centers of distribution, its racketeers, and Washington is no exception to this. Senator BLEASE has declared that he has "been informed by reliable parties" that within four squares of Peace Monument, on Pennsylvania Avenue, four narcotic "joints" are being run. The Senator adds: "And that fact is known by people whose duty it is to close them," and promises to have more to say of this at a later date.

One is disposed to believe that not only four but more numerous centers for the sale of narcotics flourish throughout this and other districts of the city when one recalls the case of the Chinese, Lee King, who was shot by members of an alleged dope ring a few months ago when they suspected him of informing narcotic agents of their nefarious activities.

Be this as it may, enough has been said and written of narcotics within the last few weeks not only in Washington but all over the United States to arouse the Nation to the need for concerted action, or, as Doctor Toulouse has put it, "For the defense of mankind the peoples of the world must make a collective, concerted effort to settle once for all this conflict between the needs of the psychic life of an addict and humanity as a whole.

"As industry has become powerful through expert organizations, so must the war be waged on the international drug ring. We must staff our crusading army with experts, doctors, scientists—men who realize what benefit to humanity would result from the stamping out of the monstrous evil. The League of Nations can no longer be permitted to view the illicit traffic in dangerous drugs as merely an economic problem. The problem is biological and medical."

Perhaps only when we come to realize that the poppies of Flanders fields have been directly responsible for more death and destruction than those sleeping under their scarlet blossoms ever looked upon, will every effort be bent toward legislation so stringent that agencies assisting in whatever degree in the introduction of the product of that baleful flower will be afforded no opportunity to escape their just and due penalties.

SENATOR GOFF'S ARMISTICE DAY ADDRESS

Mr. HATFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD a most fitting and eloquent address delivered by my colleague, Senator GUY D. GOFF, at the dedication of the World War Memorial Arch on Armistice Day in the city of Huntington, W. Va. Approximately 30,000 people living in southern West Virginia attended these ceremonies, thus to express their devoted appreciation of the daring courage and the unselfish service rendered by the soldiers and sailors who served in the World War, and whose lives and whose consecrated patriotism are perpetuated for all time in this enduring monument to their immortally splendid careers.

There being no objection, the address was ordered to be printed in the RECORD.

Senator GOFF spoke as follows:

We are here in grateful and sacred reverence to honor the living and in admiration to praise the dead. They each live in the heart of your distinguished citizen, Col. George S. Wallace, to whom the State and the Nation are indebted for this tribute of respect which immortalizes and conveys in marble and bronze a living message from the great beyond: "Not for ourselves, but for our country. Yet, if you break faith with us who die—we shall not sleep." I met George Wallace amid dark and dreadful conditions that tested the soul and tried the faith, and I learned to know him, to trust him, to admire him, and to love him. He was then, as he is now and always will be, intrepid, kindly, and possessed of a luring charm. He is a patriot of a noble type, and he contributes to the citizenship of our State the qualities of true manhood. He lives with those who are alive, and he sorrows with those who have gone "on the long, long trail." He impresses upon his friends, as he has on all of you, that sympathy is just two hearts tugging at one load. He was and is and always will be a sturdy,

stalwart man, sun crowned, who lives above the fog in public duty, private thinking, and community action.

I am deeply and sincerely grateful to the Cabell County Memorial Association for the opportunity to be with you and to join with you in the dedication of this beautiful monument to the soldiers and sailors who participated in the World War and sustained and perpetuated our institutions.

AN OLD CUSTOM

This custom of building memorials to heroes is not new. A nation without heroes is a nation without a citadel, a shrine, or a belief in the revelations of God. History tells us that the Romans placed statues of their dead heroes in the porches and passageways of their dwellings so that the memory of their names and their deeds might minister to the struggles of youth, soothe the pillow of age, and be tenderly preserved for all time. They also knew that without local attachments and home influences there can be no sincere patriotism. They appreciated in their generation, as we realize in this, that the cheers that followed their soldiers as they marched away to battle and the joyous welcome that greeted those who returned were all too soon forgotten. They realized that glory never dies, even though grief may smile at sorrow and forget to mourn. They also knew as we know that the patriotism of the people, the love of home with its melodies and its harmonies, its smiles and its voices, and its memories of shelter, peace and rest, is the foundation of a nation's strength, and that its political stability and happiness rest solely upon the continued confidence in the justice and the integrity of man, without which its domain, however broad, would be defenseless and its resources and wealth, however great, would be only the tempting prey of the spoiler.

And as they built their statues, ever to protest against nothingness and to remind the people of their heroes, so also have you, the people of Cabell County, constructed this beautiful arch of triumph—a sermon in stone, the expression of your grateful love—that your sons, your daughters, and the citizens of future generations may know of the esteem and the affection you so proudly feel toward those who, without a thought of fame, fearlessly contributed to the glorious victory of God and man in the late World War. They showed by their matchless heroism and their ceaseless sacrifices, that we are not only the most prosperous and the most generous people on the earth—but conspicuously as messengers of righteousness and justice, the most chivalrous and the most altruistic. They proved that the primal impulses of patriotism and morality are germinated, and largely, if not entirely, developed in the family circle of the American home.

DEEDS OF VALOR

To-day our thoughts turn to resignation and gratitude. We can see inscribed on this memorial, in the serenity of death, the names of those who without hatred or bitterness made the supreme sacrifice, that every man, woman, and child in every clime should possess the inalienable right to life, liberty, and the pursuit of happiness. They were their "brothers' keepers" and with imperishable faith they executed the trust. No words can add to their high-polished glory of duty done. They dared and they suffered, and because they loved and served their native land, they were ever jealous of its honor, its liberty, and its welfare. They answered the roll call of eternity, and joined their waiting comrades on the other side. They bore the expense of blood. They fought to save—not to conquer. No tribute of homage can ever pay the debt we owe them. Their deeds are chiseled and embossed on time itself and history is their encomium. What a wonderful friend is death, and what a soothing mother is time. In recollection of the days when they moved among us, beautiful unpainted pictures with the smiles and the beams of the sainted dead appear in the mind of how much sweeter life would have been if they had lived. To-day nature with her flowers, her sunshine, and her tears is decorating the blood-stained trenches and graves of these heroes with the memorials of her love; not ashes to ashes or dust to dust; but blossoms to blossoms, laurels to the laurel-crowned. In the filtered wisdom of all history, literature, poetry, painting, music, and sculpture, we can neither recall nor see in pictured or recorded story a character or figure approaching in sublimity and grandeur the soldiers and sailors of the late war. They bravely and daringly responded when humanity sounded their tocsin call. They possessed that most mysterious of human qualities—moral character and an unconquerable physical courage. They were obedient without a thought of fear even unto death, and how could men die better. God bless them, their patriotism and their love of liberty. They always yearned for the better, and they ever protested against the worse. They were gentle because they were firm. They were not men born or bred to a soldier's life. They came impatient and restless but enthusiastic from the farm, the shop, the office, the cloister, the forge, the village, the city; from all classes, rich, poor, educated, and uneducated, the idle and the employed.

A NATION RESPONDS

They were large, strong, commanding men, coined of the purest metal, and stamped in the remorseless mint of life. That was the brilliant splendor of it all. Slackers were few and the shirkers negligible. Everyone was summoned, a great people were aroused, and the response to the country's bidding was instant. They all loved peace and their fellow

man, and they looked forward to the ease, the comforts, and the rewards of life in the broad range of future years. They, too, wanted to live and scatter the seeds of kindness, and they moved and had their being very much as we do now. Yes; they, as we, hoped to wield the sword of the spirit and to conquer ignorance and prejudice with intelligence and truth. But their country called; and strong in their faith, they went forth to battle, rushing away from loving arms and tiny, clinging hands. They heard the song of eternity in the heart of life. They brought the whispered words of heaven closer to the earth and revealed to us the wonder and the bloom of the world. They looked death straight in the eye upon the bloodiest, the fiercest, and the most ghastly battle fields the world has ever known and in the most monstrous of wars. They made the real more ideal and the ideal more real. They measured up to the full stature of their responsibility. Loyalty to duty was their creed. They stood like men and dared to die. They fulfilled their destiny. They were the heirs of the ages—displaying the best traits of the Anglo-Saxon race "from Agincourt to Bunker Hill." Their fathers, men of iron and the allies of civilization, fought that they, their sons, might be free; and then they, their sons, men of energy, love, hope, and faith, that the world should be free. Their fathers suffered that they, their sons, might enjoy the blessings of liberty; and then they, their sons, that the oppressed of every land should enjoy the same blessings. Their fathers with brain and heart blazed the trail of freedom, and they, their sons, under strange skies made that trail a broad highway upon which all nations could travel the journey of life in peace, prosperity, harmony, and success. They were bred in the open and they fought in the open. They proved to the world that America was not too proud to fight. They had faith in the justice of their cause. They made good with their blood, and they immortalized the courage and the daring of the American soldier. They saw it through and they put it through; and no matter what the cost they knew it would be less than the cost of losing. They knew their duty and they discharged it. They did not die in vain. "They faced fearful odds for the ashes of their fathers and the temples of their gods." By their valor they saved democratic government, and sealed it with their precious assurance. They left us their undying devotion to republican institutions. They emphasized the wonderful initiative and bravery of the individual soldier—gems and glories which shall nourish, enrich, and divinely sustain us forever.

UNDYING DEVOTION

This country is the better for what they did and for the character they developed and which they will pass on to their sons and their daughters. They bonded their resources and their lives; they climbed up to the ridge of the world, and on its edges decisive victory became a blessed reality. They braved disease, danger, and cruel death, and on the stormy billows of Armageddon they suffered unspeakable hardships that respect for the great problems of human life might return and live again in the souls of men. They could not help doing as they did. Their ancestors for a thousand years had done these selfsame things on every field where civilization has contended that man might crawl closer to his God—sublime achievements, comprehensible only by a free people conscious of their sorrows and sustained by their faiths and their hopes.

If it be said that these doctrines are too idealistic, too visionary, the answer is that it is time the world learned that there are ideals higher than gold, and that there are visions broader than mere material prosperity. America to-day is the sole refuge of humanity. It is the beacon light of civilization and the hope of the pleading voice of a discouraged and a war-torn world. It is a Nation built on suffering, and her sons and her daughters appreciate, because they have experienced and enjoyed, what they defend to-day. They know that this is the best of the civilizations and that the principles upon which it was founded have nearly completed the circuit. They realize these facts and they appreciate that its strength, its sufficiency, and its perpetuity rest at last upon the individual citizen—the man whose heart echoes the thought that home is the dearest, sweetest spot on earth. It has no other guaranty and no other protection save an enlightened and loyal public conscience. There is no room within our borders for any thought save liberty, justice, and the right to be free. We can not permit anyone to traffic in human rights and profess to misunderstand human purposes. Any American who holds back what he can give, who in peace or in war fails to support the best interests of his country, or who from selfish and sordid reasons undertakes to coin his country's necessities is worse than a traitor, in comparison with whom Judas Iscariot was an angel of light and Benedict Arnold a patriot.

MEN WITH CONVICTIONS

The men who carried our flag in the World War were practical, strong, patient, and wedded to the gospel of labor, love, and activity. They were men with convictions and their traditions impelled them to preserve those eternal principles which are enumerated in the Declaration of Independence and embodied in the Bill of Rights of every State as well as in our National Constitution. They had ideals and they relied upon them for success. They were willing to die for those supreme things without which civilized man can not live. They were men of courage, free from vanity and conceit, and they dared to

follow wherever their convictions pointed the way. They were simple, natural, and unaffected. They strove to do their best—the sublimest thing in the world—and they lost self in the ideal. They never tired, and they never surrendered to imaginary fears. They assumed responsibility at any hazard, suffered sacrifice without pretense, and established their principles for the betterment of mankind with the approval of a clear and blameless conscience. You may wonder whence came this spirit, and I would answer from environment, from necessity—from the pinch—the tragedies and the joys of life. It came from that mysterious force in human affairs which always lies dormant until the special occasion develops it and calls it into play. This was the force primarily responsible for the remarkable morale which was always present whenever and wherever American forces trained, camped, or fought. These men were merely citizens of this Republic clothed in the rainbow rays of heart and mind and then armed and marched to martial music. The Republic of America was within them, and proud and triumphant, they went forth with the spirit of the vikings of old: "Though I may go down, my country's flag will never perish." And when "the warrior banner takes its flight to greet the warrior's soul," we know it will bear to lips that will ask, "What of the great Republic?" this message, "We are one country, one people, free and united, from Gulf to Lakes, from sea to sea."

MORAL FOUNDATIONS

The spirit of America is man's unfettered effort to be himself and to write his character according to those ideas which govern his life. It cherishes honor and admires courage. It nourishes men fit to cope with great forces and to assert great principles. It proclaims the self-evident truth—that it is only as the citizen is exalted in justice and equality that the majesty of the law is preserved. But what is America? Emerson answers, "America is another name for opportunity." He also adds, "It is not free institutions, it is not a republic, it is not a democracy, that is the end. No; it is only a means." How true; and yet an intelligent, industrious citizenship, encouraged by just laws and stimulated by liberality, will always foster contentment and insure the perpetuity of the Government itself. This may not be a perfect Government, and simply because it can not reach a higher plane than the average plane of the people, and yet it is the best—the most equitable and the most progressive civilization which it has ever been possible to establish.

Froude has said history repeats one lesson with distinction; that the world is built on moral foundations; that in the long run it is well with the good and ill with the wicked; that justice and truth alone endure; that injustice may be long-lived, but doomsday comes to it at last in French revolutions and other terrible ways. I believe that the spirit of our people—peace, order, security, and liberty—are safe just so long as love of country burns in the hearts of the people. I believe that the spirit of our people caused us to enter the World War because we were willing at infinite cost to pay the price of civil and religious liberty, because we were true to ourselves, and because we were willing with unflinching courage to do then what we have always done in the past. We knew and we now know that there is no room in this world for democracy and autocracy, and solely because mankind can not go on half man and half beast.

HORRORS OF WARFARE

The spirit of our people demands character, not only character as the interesting aspect of the moral life but character as the vital, distinctive, intimate possession of every single individual. And so we are here to-day with heartfelt gratitude and praise honoring the living and venerating the dead, who by their sacrifices and their faithfulness in little things were competent to broadcast to the nations of the world that invincible spirit and character which turned the tide and swept back the battle line of autocracy, the spirit that has made this country free and great and which will, with God's guidance, continue her in such a position of leadership that she will ever with a love of peace rock the cradle of human freedom throughout the world.

Your memorial committee has appropriately chosen the anniversary of Armistice Day for this dedication. The day and the occasion fill us with patriotic emotion, as we honor those who died that we might gather here.

"To-day o'er our flag they are keeping
As faithful a guard as of yore;
No sentinel spirit is sleeping
That pickets the line of the shore;
The voices of music are ringing
In accents of sweetness abroad
The sanctified army is singing
The praise of America's God."

Eleven years ago we were all celebrating the cessation of hostilities after the most disastrous conflict this world has ever endured. The relentless devices of modern destruction—airplanes, gas, artillery, tanks, and machine guns—then ceased to take their toll of human life and property. Everyone was ready and willing to return again to peaceful pursuits.

All of the relentless methods of modern warfare had been on display, and the people of the world were unanimously urging that no effort

should be spared to place mankind on such a plane that reason and righteousness would hereafter prevail over might. Those of us who have witnessed the horrors of modern warfare will always favor peaceful arbitration wherever it can be attained without sacrificing national honor. Every possible effort is being made to prevent another war, and it is asserted that there will be no future wars. The belief is born of the wish. It is so general because almost everyone feels that another war can only result in disaster and calamity for all the participants. From the bottom of my heart I trust the prediction will prove true. But the prediction itself, with the popular sentiment prompting it, will not alone be sufficient to make it true. Bloody wars have happened in spite of an earnest popular desire for peace on both sides, especially when points of honor inflamed the controversy. As long as nations are composed of human beings, with human thoughts and human emotions, there will be differences which in spite of the best efforts of our statesmen and our diplomats will lead to war. We sometimes fear for the future of America when we consider the many forces seeking to destroy the foundations of our Government, but I seriously doubt if we of this generation will see our country involved in another war. God knows, I shall do everything within my power to prevent it. But how about future generations? Foreign powers are even now gazing at the United States of America with jealousy and envy. They do not appreciate the blessings of our form of government. We enjoy peculiar and superior advantages of inestimable value. We have wealth which they do not possess. They want it and we are doing our best to retain it. We have an abundance of natural resources which they do not have, but would like to acquire. We have ample territory to take care of the growth of our population.

FRIENDSHIP OF WEALTH

Other nations are not so fortunate, and do not appreciate or understand our policy of restrictive immigration, which shuts out their surplus population. We who have traveled abroad since the war know that America and Americans are not as popular as they have been. As long as we spend our money for the things they sell, we are treated with great courtesy, but if we could hear and understand the remarks made after our departure we would not feel so highly complimented. It is not unusual to see Uncle Sam referred to as a "Shylock" because we have not canceled debts due and owing to this country. We often see a feeling of envy and jealousy because they realize that we as Americans enjoy a higher standard of living than any other people.

These are some of the things that may some day be the direct or indirect cause of some nation or nations waging war against us. If that day ever comes we who remember the World War will do our best to prevent it, and we desire those who follow us to know that America is proud of her defenders, whose deeds belong to the ages, and that she never will or can forget their sacrifices. This magnificent structure, visited as it will be by hundreds and thousands of citizens each year, will, as the Mecca of our States' devotion, perpetuate the genius, the purpose, the mind, the spirit, and the courage of your loyal sons and be ever a symbol of the patriotic daring that exists and has always existed in this county. Cabell County can well be proud of this great memorial. It is a fitting tribute to the soldiers living and the soldiers dead, the boys who stood abreast with the bravest and the best, and who carried our flag and planted it on far-reaching horizons. Our sons were represented in every branch of the military service, and wherever the American colors were planted on the battle fields of France or the fighting was the heaviest they could always be found keeping watch at the points of greatest danger. By erecting this monument to them you have bathed their memory in the tears of a grateful and a sorrowing people, you have reaffirmed your devotion to home and to country and to those immortal principles of liberty, equality, and justice which have made these United States unrivaled among the nations of the world. You have pledged yourselves anew to the guiding principle that our interest is in concord, not conflict, and that our real eminence rests in the victories of peace, not those of war. And the generations yet to come when they visit this immortal memorial should be taught to image in the mind, and then to read and to apply this your message:

PREPARE FOR TO-MORROW

Consecrate your lives, all ye who pause and reflect here, to honesty, truthfulness, generosity, self-sacrifice, and a genuine love of freedom. Resolve that when the reins of government shall fall to you, and they fall to all of us, that you will by earnest application so fit and prepare yourselves to-day for the duties of to-morrow that you may never fail to promote the public welfare by checking spurious patriotism and maintaining justice for all. And lest you forget, it is not by underrating others, but by duly estimating and appreciating their achievements that you will find yourself challenged to bring forth what is best in yourself. This memorial represents the triumph of democracy over autocracy, of right over might, the collected will of a free people. Such monuments proclaim that the American people, in their decision that the great decrees of the war shall be unquestioned and supreme, acknowledge no earthly sovereign but themselves.

The welfare of this Republic is secure so long as we continue in gratitude to honor the immortal memory of the men who died for the love of right, justice, and truth. We must not forget, my countrymen,

that the victory to which these men so magnificently contributed, places upon us, the living, the gravest and the most sacred of responsibilities. In meditation we can hear them say, "To you from falling hands; we throw the torch, be yours to hold it high." We are the greatest and the freest Government on the face of the earth. But there are constant appeals to array class against class, citizens of one blood against citizens of another, section against section, and the poor against the rich. The greatest enemy of America to-day is the unprincipled political demagogue, who fosters discontent and unrest solely for his own political purposes. He cares nothing for the welfare of the class to whom he appeals. A happy and contented people is the last thing he desires, for then he would be without an occupation. He never builds, he always preaches the doctrine of destruction. He assails all wealth and all successful industry. Our strength rests on the inflowing energy of unseen power—our sentiments and our ideals. Anarchy and Bolshevism always flee before patriotism. One of our great defects is that we assume this Republic will go on forever without our doing anything to perpetuate it. There is too much of an inclination to negative responsibility and take a chance on the future. However, it should not be forgotten that liberty does not mean lawlessness. Liberty to make our own laws commands and demands a duty to observe them ourselves and to enforce obedience among all others within their jurisdiction. Liberty carries with it a duty and a correlative responsibility, and that obligation is to preserve inviolate our Government, its laws and its Constitution, so that future generations may receive them, honor them, and love them, and pass them on unsoiled and unblemished to the end of time.

This is our country and our home. It is not a certain area of land, of mountains, rivers, and woods; but it is a principle raised to the heights of sublimity and loyalty. It is the noblest sentiment that enters the human heart. There must be no North, no South, no East, no West. There must be just one people, equal to any demand, and ready at any cost to protect its honor, defend its liberty, and vindicate the rights of its citizens. We must forget our partyism in our devotion to Americanism. We must do the right thing in public and private for the right's sake and always at the right time. All for America—America for all, America only, America for Americans, and for no one but Americans.

We have here among us men and women bred in every land under the sun, and they were each and all lured by the call of liberty, equality, and fraternity. They came owing many different allegiances and tied to other governments by the sacred chords of childhood's fondest recollections. But here they have laid them all aside. Here, moved by a new vision, they have sworn a new faith, and taken upon themselves a new and a distinct fealty. They will never be loyal to the despotism or the absolutism from which they fled. It was here in these United States that there was first inaugurated the grandest march of liberty and repudiation of monarchy that ever gilded the pages of history. It was here that those principles were conceived that caused revolution to rise in fire and go down in freedom amid the ruin and the relics of oppression. It was here in the "Republic across the sea" that the beacon of liberty first blazed, and due to the heroism of our fathers freedom erected her altars here, where the genius of the earth worship at her feet. And here in America—this garden of the west—here in this land of aspiring hope, where equality is equity and talent is power, the exile of every land has found a home where his youth may be crowned with happiness, and the sun of life's evening go down in the unmolested hope of a glorious immortality. If there be a place on earth where the human mind unfettered by tyrannical institutions may rise to the heights of intellectual grandeur, it is here where our immortal heroes from 1776 to 1919 have established and preserved these United States of America as a land where the people are happy and free, and where the homes of the people are the homes of the brave. Here, then, human excellence must attain the summit of its glory in the American citizen walking erect and secure under the Stars and the Stripes.

DANGEROUS TENDENCIES

There is a dangerous tendency to-day to divide into groups or classes, each thinking only of its own welfare. Large financial interests long ago followed this practice, and it is now extending to labor, agriculture, and every activity of life. This must cease. What we need at this time is a national vision seeking to secure justice to all the people— whoever and whatever they may be. We have been passing through a period of depression. There has been much unrest and discontent, but we should remember that this has been world-wide, and through it all the American people have been and are to-day the most prosperous of any under the sun. Too much in the past has been expected from political action to cure our ills. The privileges of our citizens should not be lightly esteemed. At the ballot box all men are equal—the vote of the rich counting for no more than that of the poor. Let us be careful how we use it, but let us use it at every opportunity. Let it never be cast with a selfish purpose, but with the same patriotic zeal with which our soldiers fought for the welfare and the preservation of our country.

We are one people because in our hearts we reckon men for what they are and not for one class at the expense of another class. We move up or down together. We must back the Republic of our heroic dead

against the world, and because justice is greater than power we must believe that this Nation, hallowed with the tears and the hopes of our sacred dead shall live to scatter the riches of human advancement to races yet unborn and preserve the needs of humanity.

May I leave with you a picture and a thought. There in the shadow of history rise the immortal Grant and the immortal Lee—with truth as their watchword and eternal justice as their guide fronting peril and masterfully taking their stand in the van, until their message, America's message, "Let us have peace," became an everlasting psalm, a melody to those who live and think, that victory is but a power in trust. Thus they each attested the goodness of a God who preserved the Union. And no less notable or distinct stand these United States, with soul undaunted and eye undisturbed by doubt, amid the wreck of empires and the decay of civilizations, with the sword beaten into the red cross of mercy, and the spear a staff for the homeless and the weary ministering to a tottering world, even as did the Prince of Peace near the restless Sea of Galilee minister to pagan sick humanity.

IF GOVERNMENT LASTS

When Pericles came to make that most wonderful of all funeral orations over the dead bodies of those who died in the Peloponnesian War he did not describe the deeds of heroism that they had performed; he did not tell of the glories they had achieved, but he spoke of the Athens, not the Athens of brick and marble, not the far-famed Athens of gardens and climates, not the Athens with her beautiful sea kissing her beautiful feet, but the Athens of developed intelligence, Athens of generous emotions, Athens where all men who had merit had opportunity—that Athens that gave to the world an example of intellectual glory, that lighted the world with her magnificent trophies of mind and body; that Athens, free, obedient to law, full of learning. That was the Athens. And then the highest praise he could pay to the dead was that they were the sons of such a city, worthy to be born of such a people, and worthy to die for such a country. And such is the conception that I would put into your minds and leave with you of what America must be, what West Virginia must be, what you and I must be if this Government is to endure and realize the hopes of those who lived and died that we might carry on.

And if we here, in this sacred presence and amid these wonderful and inspiring memories, will renew our sentiments of allegiance and dedicate and repledge ourselves always to stand at the post, strong in every virtue, true to every confidence, responsive to every rightful demand, then America resplendent in the light of an immortal civilization—

"Will live for those who love her,
For the land that holds her true,
For the cause that lacks assistance,
And the good that she can do."

SPECULATIVE TRANSACTIONS IN COTTON

Mr. HEFLIN. Mr. President, on Saturday I gave notice that the first thing this morning I would call up Senate Resolution 152. I have made an amendment to that resolution, as suggested by the Senator from Nebraska [Mr. NORRIS]. I ask unanimous consent for its present consideration.

The PRESIDING OFFICER. Is there objection to the present consideration of Senate resolution 152?

Mr. JONES. Mr. President, I desire to suggest to the Senator that the Senate can not authorize the Federal Farm Board to act outside of its present authority, nor can we direct it to do so. We probably can request it to act; but the Senate has no power in itself to authorize the board to do something that the law may not now authorize it to do. I desire to make that suggestion to the Senator with reference to the language used in the first part of the resolution, in which the Federal Farm Board is "authorized and directed." The Senate can not do that.

Mr. HEFLIN. The Senate can not authorize it to make an investigation?

Mr. JONES. No. It will take a law to do that, and that must be acted upon by the House as well as the Senate. We can not ourselves give additional authority to the Federal Farm Board.

Mr. HEFLIN. Mr. President, I have not the slightest doubt that the Federal Farm Board has authority to make this investigation. It has authority under the law to do anything that will benefit the cotton producer or the grain grower of the country.

Mr. JONES. Then we could probably request the board to do that.

Mr. HEFLIN. I will change the resolution so that the Federal Farm Board will be requested to make this investigation instead of authorized and directed. I will insert those words where the others appear.

Mr. JONES. I think that would be much wiser. The Senator's resolution has a very long preamble, with a great many whereases; and with this change the Senator will request the Federal Farm Board to investigate all that is embraced in

these whereases. Then the resolution authorizes the Committee on Agriculture and Forestry of the Senate, because it is an agency of the Senate, to cooperate with the Federal Farm Board. I do not see how a committee of the Senate can very well cooperate with the Federal Farm Board. I really believe that the Committee on Agriculture and Forestry of the Senate could get the information the Senator requests in his whereases better than if the task were put upon these two bodies together; but I am not going to make any serious objection to that. I am merely suggesting that to the Senator.

Mr. HEFLIN. My purpose in doing that was to let the members of that committee from the cotton-growing States—the Senator from Arkansas [Mr. CARAWAY], the Senator from Louisiana [Mr. RANDELL], the Senator from South Carolina [Mr. SMITH], the Senator from Oklahoma [Mr. THOMAS], and myself—aid the Farm Board in making the investigation, because, as the Senator knows, there are some members of the board who are not very well acquainted with the cotton problem; and I thought that as a result of putting in this provision any of us could assist the Farm Board and be very helpful to it. But I will adopt the Senator's suggestion and amend the resolution by striking out the reference to the Farm Board and saying that this investigation shall be made by the Committee on Agriculture and Forestry.

Mr. JONES. I think that would be wise.

Mr. HEFLIN. I will make that amendment, Mr. President.

Mr. RANDELL. Mr. President, do I understand that this resolution is being considered by the Senate?

Mr. JONES. The Senator would have to modify his resolution very considerably. I suggest that he let it go over for an hour or two while he makes the changes that are necessary.

Mr. HEFLIN. I will do that, and then I will talk to the Senator from Louisiana.

The PRESIDING OFFICER. Without objection, the consideration of the resolution will go over.

REVISION OF THE TARIFF

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

Mr. GOLDSBOROUGH. Mr. President, I ask unanimous consent to have read a letter addressed to Dr. Thomas S. Cullen, an eminent surgeon of Johns Hopkins Hospital, at Baltimore, Md., by the American Hospital Association, touching the matter of the schedule in the pending tariff bill having to do with fats and oils.

The PRESIDING OFFICER. Without objection, the letter will be read by the clerk.

The Chief Clerk read as follows:

AMERICAN HOSPITAL ASSOCIATION,
Chicago, Ill., October 29, 1929.

MY DEAR DR. THOS. S. CULLEN: The United States Senate is now considering amendments offered by Senator JONES, of Washington, and Senator THOMAS, of Idaho, to disregard fats and oils schedules as carried in new tariff bill as reported out of the House and later reported by Senate Finance Committee and apply a blanket duty of 45 per cent ad valorem on entire list of soap-making raw materials.

Hospitals are already burdened by the high cost of articles of staple use in hospital operation. The increased duty on these fats and oils would mean an important increase in expenditure of every hospital for soaps used, both for toilet and laundry purposes. The hospitals of this country spend annually in excess of \$4,000,000 a year for laundry and toilet soaps. The increase on imported oils and fats to 45 per cent would impose an additional 50 per cent on the present cost of soaps which our hospitals now use. This proposed increase in duty on imported oils and fats for soap-making purposes would cause an unwarranted and unnecessary expenditure of hospital funds, which is directly reflected in the increase of the financial burdens of patients admitted to our hospitals. The importation of these oils and fats for soap-making purposes in no way competes with American agriculture and would not be of benefit to either the farmer or to the stockman.

Your hospital will contribute a great deal in preventing this unwise and unjust legislation by wiring immediately an emphatic protest against this increase in duty on fats and oils to each of your United States Senators. Please do this to-day as this schedule is now being considered by the United States Senate.

Very respectfully yours,

E. T. OLSEN,
Chairman Legislative Committee.

BERT W. CALDWELL,
Executive Secretary,
American Hospital Association.

Mr. NORBECK. Mr. President, a short but rather interesting editorial appears in this morning's Washington Herald. I ask that it be read from the desk.

The PRESIDING OFFICER. Without objection, the editorial will be read.

The Chief Clerk read as follows:

[From the Washington Herald of Monday, November 11, 1929]

Senator Moses calls the senatorial foes of the robber tariff "wild jackasses."

It may be so; but is it not better to be a wild and independent jackass than to be a tame and subservient one, branded on the backside with the iron of the predatory interests, swallow-forked in the ears to indicate the ownership of the tariff barons, and locked up in a plutocratic corral to hee-haw abuse at the wild jackasses, who are at least free?

We think that Tame Jackass Moses is more subject to ridicule and more open to pity than the wild jackasses who roam the western plains in self-respecting independence.

Mr. NORRIS. Mr. President, the reading by the clerk, at the request of the Senator from South Dakota, of the editorial from one of the morning papers, called to my mind a cartoon appearing in the St. Louis Post-Dispatch of October 31, 1929. That reminds me that the new cartoonist is no less a personage than Mr. Grundy. He has departed from his usual representative capacity as a lobbyist in behalf of high tariff duties, and evidently has been employed by this great newspaper as a cartoonist.

I am sorry, Mr. President, that under the rules of the Senate we can not illustrate the CONGRESSIONAL RECORD, or I would try to get this cartoon in the RECORD. I can only call attention to the fact that this cartoon by Mr. Grundy is a new map of the United States. I will read what appears in the map, showing the way he has divided the country.

The eastern industrial region is designated as "important."

The South is designated in this new cartoon as "not worth mentioning."

The Southwest is designated in this new map as "unimportant."

The West is confined to the great State of California, and that is designated as being "too much Johnson."

The great Northwest, as shown in this map, including the great Senator from Idaho [Mr. BORAH], is designated as being "unmentionable."

The Central West, including the great State of Wisconsin, is designated in this new cartoon of Mr. Grundy's as being "impossible."

Mr. COUZENS. Mr. President—

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Michigan?

Mr. NORRIS. I yield.

Mr. COUZENS. Where did they put Michigan?

Mr. NORRIS. I presume Michigan comes in with the Central West, although it is not specifically designated on this map, as the Senator will see. It may be that Mr. Grundy has removed Michigan from the United States. He has had it secede, probably, or something of that kind. I have given all the divisions in which he has put the United States; and I commend Mr. Grundy's activities, not only as a lobbyist, not only as a retail merchant running a Piggly Wiggly store but as a cartoonist.

Mr. FLETCHER. Mr. President, in that connection it might be appropriate to ask to have inserted in the RECORD an editorial from the New York Times of Sunday entitled "One Thing Surely Killed."

The PRESIDING OFFICER. Without objection, the editorial will be inserted in the CONGRESSIONAL RECORD.

The editorial is as follows:

[From the New York Times of Sunday, November 10, 1929]

ONE THING SURELY KILLED

Contradictory prophecies about the fate of the tariff bill still pour out of Washington. High Republican authorities proclaim that it is already dead; that even if the Senate manages to pass some kind of misshapen measure, like King Richard "half made up," the House will never accept it; with the possibility always remaining that President Hoover will feel compelled to veto any bill widely at variance with his recommendations. On the other hand, Senator BORAH is cheerfully confident that he and the strange assortment of Senators who now compose the triumphant coalition will be able to pass a bill—not in the special session, to be sure, but later—which will so closely conform to the ideal that it is sure to become a law by the President's signature and bestow great blessings upon the country.

Between these competing forecasts the reader may make his choice. But whether the tariff bill live or die, one thing has certainly been killed by the long controversy in the Senate, and by the exposure of the way

in which this bill, like all its kind that have gone before, has been framed. The method has now been laid bare to the country as never before. Everybody has seen how one special interest after another, having a claim, usually pecuniary, upon the gratitude of the party in power, has been allowed to take the bill and sit down quickly and write into it whatever form of favor was desired. To-day the entire process has been made plain to all the people in its repulsive nakedness. The result is a sort of general resolve, in which even the high protectionist Senators unite, that never again must a tariff be made in this way. The tariff bill may yet have the breath of life in it, but the old plan of tariff-making has been definitely laid away in an unhonored tomb.

The PRESIDING OFFICER. The clerk will state the pending amendment.

The CHIEF CLERK. On page 57, line 1, it is proposed to strike out "(b)" and insert "Par. 302 (a)," and in line 4 to strike out "(c)" and insert "(b)," and in the same line, after the word "concentrates," to strike out "50 cents" and insert "45 cents," so as to read:

PAR. 302. (a) Molybdenum ore or concentrates, 35 cents per pound on the metallic molybdenum contained therein.

(b) Tungsten ore or concentrates, 45 cents per pound on the metallic tungsten contained therein.

Mr. SMOOT. Mr. President, the junior Senator from California [Mr. SHORTRIDGE] was in the Chamber just a moment ago, and I know that he wishes to speak upon this paragraph.

Mr. NORRIS. Mr. President, I will make a few remarks on it. Perhaps the Senator will come in by that time.

Mr. SMOOT. I will send for him while the Senator is speaking.

Mr. NORRIS. All right.

Mr. President, I have before me something applying to this general schedule, the steel schedule. It is a table prepared at my request by Mr. H. E. Miles. It takes 23 of the principal steel products and analyzes them with relation to the tariff. The first column gives the domestic production, the figures being taken from the United States census of 1927. They are exceedingly interesting; but I will give only the totals, and then have the entire table put into the RECORD. It gives the value of the total production for 1927 of these 23 articles in the steel schedule as \$3,356,297,485.

The value of imports into the United States of these 23 articles during the year 1927 was \$6,431,554. Incidentally, the imports amount to about six-tenths of 1 per cent of the production, showing that for all practical purposes the present tariff on these 23 products of the steel industry is a complete embargo.

This table, which is itemized for each one of these items, shows that the total revenue to the Government from these imports was nearly \$3,000,000—two million and a little over eight hundred thousand dollars. The tariff allowance under our present law on these 23 articles amounts to \$801,000,000 for the year 1927. For each dollar of revenue to the Government the manufacturers received \$280; and according to this table the total cost to consumers on these 23 articles for the one year 1927 amounts to \$1,602,000,000.

According to Mr. Miles, for each dollar of revenue to the Government on these 23 articles in the year 1927 the consumers had to pay \$560.

As a part of my remarks, Mr. President, I ask to have included this table, together with a general explanatory statement by Mr. Miles, together with an article by him entitled, "What the Present Tariff Does in the State of Nebraska."

The PRESIDING OFFICER. Is there objection?

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

(Fair Tariff League, H. E. Miles, chairman)

WASHINGTON, November 7, 1929.

'TIS SAID "THE TARIFF IS A GREAT REVENUE"—YES, PRIVATE REVENUE

| | |
|---|---------------|
| For each \$1 of revenue collected by the Government on competing imports: | |
| The Government..... | \$1 |
| 7 heavy steel industries collect from the tariff..... | 59 |
| 16 highly finished products collect..... | 280 |
| Average, 23 steel products..... | 125 |
| For each \$1 collected by the Government consumers pay: | |
| The annual production of these 23 makers of steel products is..... | 5,951,726,434 |
| Imports are..... | 34,771,243 |

Imports are only six-tenths of 1 per cent of production. These manufacturers have a dead cinch on the domestic market and the consumer's pocketbook. The Government collects just enough to pay for keeping the books.

| | |
|-------------------------------------|---------------|
| The Government collects..... | \$9,501,943 |
| Tariff bounty to manufacturers..... | 1,190,000,000 |

Here are some of the high lights:

| | |
|---|-------|
| Amounts given certain industries for each dollar collected by the Government: | |
| The Government..... | \$1 |
| Hardware manufacturers..... | 1,726 |
| Bolts, nuts, washers, etc..... | 1,617 |
| Cutlery and edge tools..... | 23 |
| Electrical machinery..... | 466 |
| Screws, for wood..... | 1,340 |
| Cash registers..... | 3,879 |
| Stamped and enameled ware..... | 6,826 |

The following table gives further details. The first two columns are for reference only. The story is in the later columns.

| (1) | (2) | (3) | (4) | (5) | (6) | (7) | (8) |
|----------------------------------|-------------------------------|---|---|---|---|--------------------------|---|
| Domestic production, census 1927 | Imports for consumption, 1927 | Products | Revenue to Government import duties, 1927 | Tariff allowance to manufacturers, 1927 | For each dollar revenue to Government manufacturers receive | Tariff cost to consumers | For each dollar revenue to Government consumers pay |
| Dollars | Dollars | | Dollars | Dollars | Dollars | Dollars | Dollars |
| 5,951,726,434 | 34,771,243 | Grand total, 23 steel products..... | 9,501,943 | 1,190,000,000 | 125 | 2,380,000,000 | 250 |
| 2,595,428,949 | 28,339,689 | 7 heavy steel products..... | 6,643,141 | 389,000,000 | 59 | 778,000,000 | 118 |
| 3,356,297,485 | 6,431,554 | 16 highly finished products..... | 2,858,802 | 801,000,000 | 280 | 1,602,000,000 | 560 |
| | | Heavy steel products: | | | | | |
| 725,693,088 | 7,591,914 | Pig iron and ferroalloys..... | 2,190,142 | 54,000,000 | 25 | 108,000,000 | 50 |
| 268,414,845 | 4,143,450 | Bar steel..... | 1,133,494 | 59,000,000 | 52 | 118,000,000 | 104 |
| 115,101,430 | 346,016 | Steel rails..... | 28,363 | 9,000,000 | 31.7 | 18,000,000 | 634 |
| 190,426,776 | 191,512 | Tin plate and terne plate..... | 23,827 | 21,000,000 | 881 | 42,000,000 | 1,762 |
| 157,040,741 | 5,043,058 | Structural iron and steel (not fabricated)..... | 715,974 | 20,000,000 | 28 | 40,000,000 | 56 |
| 492,940,574 | 6,939,298 | Cast and wrought iron pipe..... | 1,372,627 | 81,000,000 | 59 | 162,000,000 | 118 |
| 645,811,495 | 4,084,441 | Wire and wirework..... | 1,178,714 | 145,000,000 | 123 | 290,000,000 | 246 |
| 2,595,428,949 | 28,339,689 | Total 7 heavy steel products..... | 6,643,141 | 389,000,000 | 59 | 778,000,000 | 118 |
| | | Highly finished products: | | | | | |
| 99,005,401 | 53,264 | Bolts, nuts, washers, and rivets..... | 8,041 | 13,000,000 | 1,617 | 26,000,000 | 3,234 |
| 76,688,444 | 1,528,338 | Cutlery and edge tools..... | 1,592,846 | 36,000,000 | 23 | 72,000,000 | 46 |
| 12,973,734 | 127,009 | Files..... | 43,960 | 3,000,000 | 68 | 6,000,000 | 136 |
| 208,253,586 | 74,843 | Hardware..... | 45,193 | 78,000,000 | 1,726 | 156,000,000 | 3,452 |
| 106,844,969 | 21,098 | Cash registers, accounting, and calculating machines..... | 6,187 | 24,000,000 | 3,879 | 48,000,000 | 7,758 |
| 367,878,588 | 280,321 | Engines, steam, gas, and water, except locomotives..... | 56,991 | 62,000,000 | 1,088 | 124,000,000 | 2,176 |
| 76,719,403 | 0 | Locomotives, not made in railroad shops..... | 0 | 14,000,000 | (1) | 28,000,000 | (1) |
| 159,513,125 | 427,793 | Machine tools..... | 128,338 | 37,000,000 | 288 | 74,000,000 | 576 |
| 130,591,101 | (3) | Pumps and equipment..... | (3) | 30,000,000 | (3) | 60,000,000 | (3) |
| 45,221,816 | 532,727 | Sewing machines and parts..... | 99,099 | 7,000,000 | 71 | 14,000,000 | 142 |
| 74,951,338 | (3) | Washing machines and wringers..... | (3) | 17,000,000 | (3) | 34,000,000 | (3) |
| 7,514,149 | (3) | Windmills..... | (3) | 2,000,000 | (3) | 4,000,000 | (3) |
| 50,280,248 | 238,083 | Nails, wire..... | 40,599 | 7,000,000 | 172 | 14,000,000 | 344 |
| 11,882,394 | 5,973 | Screws, wood..... | 1,493 | 2,000,000 | 1,340 | 4,000,000 | 2,680 |
| 1,637,307,035 | 3,107,406 | Electrical machinery and supplies..... | 821,593 | 383,000,000 | 466 | 768,000,000 | 932 |
| 290,672,154 | 34,699 | Stamped and enameled ware..... | 14,462 | 86,000,000 | 6,826 | 172,000,000 | 13,652 |
| 3,356,297,485 | 6,431,554 | Total 16 highly finished products..... | 2,858,802 | 801,000,000 | 280 | 1,602,000,000 | 560 |

¹No revenue to Government.

²Not separately stated.

³Revenue, if any, not stated.

(Fair Tariff League, H. E. Miles, chairman)

WASHINGTON, D. C., November, 1929.

WHAT THE PRESENT TARIFF DOES TO NEBRASKA

| | |
|--|--------------|
| Nebraska loses by the tariff annually | \$66,000,000 |
| In the 7 years' life of the present tariff Nebraska has lost | 462,000,000 |
| Nebraska farmers gain as producers, annually, net | 3,888,000 |
| They lose on the tariff as a whole, considering their purchases as well as their sales | 22,133,000 |

This calculation, however, covers their purchases in only 62 manufacturing industries that produce only 40 per cent of the Nation's total manufacturing output. Including the latter, the farmers' yearly loss is probably \$30,000,000 and the State's nearer \$100,000,000.

These figures are determined by an exhaustive analysis with the aid of the ablest experts in America in the various fields involved. Also an intimate study for 20 years of the necessary and essential differences in production methods here and abroad, which inescapable differences make American wages substantially as cheap per dollar of product as any in the world.

Precisely the same methods of computing tariff rates are used as by the Senate Finance Committee in computing their rates in the committee's report to the Senate on the tariff bill now pending. The Federal employees making this computation are as efficient.

What the tariff does to Nebraska

(Census: Crops, 1924; population, 1925)

| | |
|--------------------|-----------|
| Population | 1,371,000 |
| Farm population | 566,680 |
| Number of farms | 127,734 |
| Wool growers | 4,217 |
| Sugar-beet growers | 1,540 |

Agricultural schedule

| Crops | Tariff gain to a few farmers | Cost to farmers as consumers | Cost to nonfarming population | Net cost to State | Cost to United States |
|----------------|------------------------------|------------------------------|-------------------------------|-------------------|-----------------------|
| Wheat | \$2,100,000 | \$125,000 | \$177,000 | (¹) | \$26,000,000 |
| Wool | ² 246,000 | 1,558,000 | 2,212,000 | \$3,524,000 | 330,000,000 |
| Sugar beets | 1,683,000 | 1,133,000 | 1,609,000 | 1,059,000 | 248,000,000 |
| Flaxseed | 3,000 | 170,000 | 241,000 | 408,000 | 36,000,000 |
| Citrus fruits | | 57,000 | 80,000 | 137,000 | 18,000,000 |
| Tobacco | | 96,000 | 137,000 | 233,000 | 53,000,000 |
| Dairy products | 3,080,000 | 85,000 | 2,252,000 | (³) | 300,000,000 |
| Total | 7,112,000 | 3,224,000 | 6,708,000 | 2,820,000 | 1,011,000,000 |

¹ Gain, \$1,798,000.

² On the basis of one-half the sugar duty going to the beet growers.

³ Gain, \$743,000.

| | |
|--|-------------|
| Farmers, as producers, gain on agricultural schedule | \$7,112,000 |
| Farmers lose, as purchasers of farm products | 3,224,000 |

| | |
|--|-----------|
| Net gain to farmers on agricultural schedule | 3,888,000 |
| The State as a whole loses on agricultural schedule, net | 2,820,000 |

MANUFACTURERS' SCHEDULE

Sixty-two industries only, producing 40 per cent of the Nation's total. On the basis of one-half of duties added to prices in these industries.

| Industry | Cost to farmers as consumers | Cost to nonfarming population | Cost to State | Cost to United States |
|--------------------------------|------------------------------|-------------------------------|---------------|-----------------------|
| Heavy metal products (8) | \$2,102,309 | \$2,984,101 | \$5,086,410 | \$445,000,000 |
| Finished metal products (20) | 5,099,940 | 7,239,060 | 12,339,000 | 1,082,000,000 |
| General store merchandise (34) | 18,818,779 | 26,712,131 | 45,530,910 | 8,985,000,000 |
| Total | 26,021,028 | 36,935,292 | 62,956,320 | 5,612,000,000 |

| | |
|--|--------------|
| Loss to farmers, manufacturers' schedule | \$26,021,000 |
| Loss to State, manufacturers' schedule | 62,956,000 |

Farmers lose, on all schedules, net, \$22,133,000. They lose, net, \$6 to each \$1 of net gain on their own schedule.

The State loses, on all schedules, net, \$65,776,000. It loses \$9 to \$1 of gain.

The time has passed when it needs to be explained why the tariff is of no benefit to American farmers except upon crops that are on a scarcity basis—wool, sugar, and flaxseed, and in less measure, dairy products, and early vegetables in Florida.

Of all these, dairy products excepted, we produce only a fraction of our domestic requirements and 50 years' experience shows that we will never do better.

On these, therefore, the domestic producer has only to meet the prices of imports that have paid ocean freights and our tariff in full. Consequently the domestic producer adds the tariff in full to his price.

All other crops are on an export basis with prices set in Liverpool. Our farmers sell 90 per cent of their products "Europe minus"—that is, at Liverpool prices, minus heavy transportation charges.

Our farmers buy "Europe plus"—Europe plus ocean freights plus the tariff, on an infinite number of their manufactured supplies which are price controlled, steel, electrical machinery, aluminum, etc., with every penny of the tariff added to prices, and on many other products not so closely held but as definitely price regulated.

Every intermediary passes on his tariff cost until it reaches the farmer at double the original tariff addition. Factory workers, preachers, lawyers, doctors, school-teachers, stenographers, wholesalers, and retailers are all lifted to reasonable standards of living by salary and profit increases. They must be to live. Each hand washes the next until the farmer is reached. He would like to pass his tariff benefits (1) on, but his market, Liverpool, isn't affected by American tariffs on farm products.

AGRICULTURE—THE MILCH COW

"Agriculture is the milch cow of protection," as now applied in excessive and dishonest rates that are no more truly protective than pocket picking is honest work. And "the farmer, he pays the freight." Every farm State loses.

The same careful estimates as the one above show the following losses in some typical western farm States and in Pennsylvania:

| | |
|---|--------------|
| Nebraska loses on the tariff, net | \$66,000,000 |
| Wisconsin loses | 129,000,000 |
| Kansas loses | 80,000,000 |
| Minnesota | 123,000,000 |
| South Dakota (small population) | 31,000,000 |
| Iowa | 119,000,000 |
| Pennsylvania, farmers only | 41,662,000 |
| Illinois, farmers only | 43,440,000 |
| These first 6 States and the farmers in Pennsylvania and Illinois lose annually | 639,000,000 |

Farmers everywhere lose as badly as in these States.

The 6-year loss of these States, \$3,834,000,000.

| |
|---|
| Colorado loses \$47,202,000; Utah, \$22,750,000; Idaho, \$22,000,000; Washington, \$77,050,000. |
|---|

Look at the South:

| | |
|------------------------|---------------|
| Georgia loses annually | \$109,783,000 |
| Texas loses | 177,000,000 |
| Florida loses | 41,818,000 |

These southern estimates regretfully recognize that the consumption of dairy products in the South is only one-half of the North's per capita, and of general store merchandise only two-thirds. The Northeast robs the South and then pities it because it has so little left and lives so poorly.

WHAT SOME STATES LOSE, OTHERS MUST MAKE

Witness the following Northeastern States that have made our tariffs for 60 years:

| | |
|--|---------------|
| Connecticut gains annually from the tariff | \$386,000,000 |
| Pennsylvania gains | 1,376,000,000 |
| New Jersey gains | 713,000,000 |
| Massachusetts gains | 813,000,000 |
| New York, preliminary estimate | 1,800,000,000 |
| Rhode Island, preliminary estimate | 207,000,000 |

Mr. NORRIS. On these 23 articles seven heavy steel industries collect on account of the tariff \$59 for every dollar the Government receives in revenue, and on 16 finished products included in these 23 they collect \$280 for every dollar the Government receives in revenue. The Government collects just about enough, Mr. Miles says, to pay for keeping the books.

The annual production of these 23 makers of steel products is \$5,951,726,434.

Mr. President, I see that the Senator from California is now here, and I surrender the floor.

Mr. SHORTRIDGE. Mr. President, when we left off our labors on Saturday, the Senate had under consideration the amendment found on page 57, line 4. For the benefit of those now present who were not here then, when the matter was taken up briefly, I beg to remind Senators that this paragraph of the bill refers to tungsten ore and its metallic content, which is found in a number of our States. There are deposits in South Dakota, Colorado, Arizona, Nevada, New Mexico, California, Utah, Washington, Missouri, and probably in other States. To all of us interested in the mining industry this is an important item, for I assume that every Senator is interested not only in agriculture in its many phases, in manufacturing in its multitudinous operations, but also in the great mining industry of our country.

It is obvious that these great industries are interrelated, interdependent, and that the welfare of the one flows over into and assists the others. Of course we are interested in them all, but I do with the utmost respect submit now to the Senate that the Senate Committee on Finance fell into error when it did not agree and report as the House Ways and Means Committee found and the House voted.

The present duty on tungsten ore is 45 cents per pound on the metallic tungsten content of the ore. Those directly interested in the industry, namely, the miners of these several States, appealed for some additional tariff protection, to use that phrase. The Tariff Commission made an investigation and were about to report—indeed, I believe the commission had the report formulated—suggesting, in effect, an increase of the duty. The House Ways and Means Committee, after a very thorough investigation of the subject matter, raised the rate, as Senators will see in the bill before them, to 50 cents, the House agreed to that rate, and

the bill in that form came to the Senate. The Committee on Finance, it will be observed, struck out the 50 cents and inserted 45 cents, which is the duty under the present law.

I suggested the other day, and I now in a very few words wish to repeat, that those directly interested in this industry have made a showing which I think warrants the increase. Our only competitor of any moment is China. This tungsten ore is found in large deposits in that country, and, as stated, we have now found it here in America. The cost of labor, the cost of mining, and the cost of getting it out of the earth and onto the ship in China, is such as makes it impossible for us here in the United States to compete in the mining of this particular ore, unless assisted by adequate tariff protection. Wherefore, balancing costs of mining, considering benefits to an American industry, it has been urged, and is by me now respectfully urged upon the Senate, that the House was right in raising the duty from 45 to 50 cents.

I do not wish to take up the time of the Senate or multiply words in presenting a matter which to my mind seems so simple, and indeed so obvious. Others here from the great States I have mentioned are well informed, and perhaps they can supplement what I have just said. I hope they will speak and convince the Senate now to disagree to the amendment suggested by our committee.

Mr. PHIPPS. Mr. President, I will take only a very few minutes.

Tungsten produced in Colorado is in an area about 12 miles by 16 miles in extent. It is found in formation usually 3 to 4 feet wide, and occurs in pockets. Although the ore is of a higher tungsten content per ton of ore mined than the large contact metamorphic deposits of California, Nevada, and Arizona, the mining cost is greater per ton of concentrate produced.

After the close of the war and during the consideration and passage of the tariff act of 1922 there were large importations of tungsten from China sufficient to supply the demand until 1925 and no tungsten could be mined or was mined in the United States after the close of the war until late in 1925 after the exhaustion of the stocks on hand brought in without payment of any duty.

It was, therefore, late in 1925, when the tariff act of 1922 became effective on tungsten ore and concentrates, that mining could be resumed on the lower production cost properties in this country. The tariff of 45 cents per pound of metallic tungsten content permitted but two properties of the many in Boulder County, Colo., to resume operations.

An investigation in the field was made in 1928 by the Tariff Commission and concluded about the time the House Ways and Means Committee began its hearings on the present bill. On its recommendation to the Ways and Means Committee the rate was raised from 45 cents to 50 cents per pound on the metallic tungsten content to equalize the cost of production as between China and this country. The Finance Committee has amended it by substituting 45 cents per pound. This amendment of the Finance Committee should be rejected by the Senate.

Should the duty of 50 cents per pound as provided by the House be allowed to stand, it will permit resumption of operations on several properties in Colorado and more than double our present production. It is my hope the Senate will reject the committee amendment.

Mr. President, the figure of 50 cents now asked for is decidedly lower than that which is desired by the producers of this metal. Many of them think that the rate should be not less than 60 cents, while others are contending for as high as 67½ cents. I feel that if at the present time we adopt the House rate we will be taking a step forward, and that it will enable many of our mines to resume operations. Many of them are now closed down.

Mr. PITTMAN obtained the floor.

Mr. VANDENBERG. Mr. President—

The PRESIDING OFFICER. Does the Senator from Nevada yield to the Senator from Michigan?

Mr. PITTMAN. I yield to the Senator.

ARMISTICE DAY OBSERVANCE

Mr. VANDENBERG, Mr. President, the eleventh hour of the 11th day of November is about to strike. It is one of the most sacred moments in history, a moment which will live forever in the story of embattled democracy, a moment which releases a flood of noble, precious, priceless memories. In recognition of the hour and in acknowledgment of America's debt to her defenders living and her martyrs dead, I ask unanimous consent that the Senate now suspend its proceedings and stand in silence for one minute.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Michigan? The Chair hears none, and Senators will stand and remain standing for one minute.

The Members of the Senate rose in their places and stood in silence for one minute, when the Presiding Officer rapped with his gavel.

REVISION OF THE TARIFF

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 2667) to provide revenue, to regulate commerce with foreign countries, to encourage the industries of the United States, to protect American labor, and for other purposes, the pending question being on the amendment of the committee, on page 57, line 4, to strike out "50 cents" and to insert in lieu thereof "45 cents," so as to read:

(b) Tungsten ore or concentrates, 45 cents per pound on the metallic tungsten contained therein.

Mr. PITTMAN. Mr. President, this matter has been discussed thoroughly, and is thoroughly understood, I think. I simply wish to state that possibly the largest production of tungsten at the present time in the United States is in Nevada, and I am naturally familiar with those mining operations, as I am with other mining operations in that State.

There are some mines that could operate under the reduced duty provided by the Finance Committee. There are others that could not. I think if we take into consideration the average mine, the tungsten mine showing the average percentage of tungsten per ton, we will find that the House was right in its determination as to the rate.

This, of course, is a new industry in the United States. There is no doubt of that. We were producing practically no tungsten in this country at all at the time the World War broke out. We were cut off from our supply of tungsten by reason of lack of shipping, and yet tungsten was an absolute essential in the manufacture of certain grades of steel, particularly steel used for war purposes. The production of tungsten had to be stimulated all over this country. The question of price was not considered at all. But the demands of the United States were met.

When the war was over there was a large surplus supply of tungsten in this country which depressed the market for four or five years. That has gradually been exhausted. Now the question has come down to whether or not we shall stimulate this essential war industry by compensating for the difference in the cost of production in China and the United States. I say China because all the importations are from China.

Mr. BARKLEY. Mr. President—

The PRESIDING OFFICER. Does the Senator from Nevada yield to the Senator from Kentucky?

Mr. PITTMAN. I yield.

Mr. BARKLEY. I notice in the Summary of Tariff Information that the statement is made that imports are from the United Kingdom and Germany.

Mr. PITTMAN. That is ferromanganese.

Mr. BARKLEY. No, not ferromanganese; it is metallic tungsten, ferrotungsten, and other tungsten alloys and compounds.

Mr. PITTMAN. I understand, but not all. It is the refined or manufactured product. There is no doubt that Germany and England buy tungsten from China also and they make it into alloys and into metals and into ferromanganese, which is the form in which it is used in iron and steel.

The whole situation is that the exporters in China gave the cost of a unit, which is 20 pounds of tungstate trioxide, which is a form of concentrate in which it is shipped, as \$2.20 in 1922, and they gave the figure in 1923 as \$3.73. That is the cost of it at the port.

There is no use going into the question of the cost of mining in China. I think everybody will take judicial notice of the cost of mining in China. We do not have to go into that feature of the question. We know what is the cost of mining in the United States without the assistance of the Tariff Commission in that respect. We are paying \$5 a day of eight hours to our miners. We are mining quartz. They are mining alluvial deposits.

The House found, and they were undoubtedly advised by the Tariff Commission, that it was essential for the prosperity of the industry to increase the rate 5 cents a pound; that is, to 50 cents per pound.

I may be prejudiced in favor of mining; possibly I am; but when I look out through the western country and find that the State of Nevada, for instance, has not increased its population in 10 years and must withstand the slurs of experts before Senate investigating committees on the ground of being a backward State, and when I see the prosperous States referred to that have had enormous tariff rates for years on all of their industries from the time they were infants until the time they became giants, I do not think there should be any question about supporting an infant war industry of this kind.

Mr. BARKLEY. Mr. President—
The PRESIDING OFFICER. Does the Senator from Nevada yield to the Senator from Kentucky?

Mr. PITTMAN. I yield.

Mr. BARKLEY. I appreciate the Senator's situation. All of my natural inclinations are to vote for a tariff where there is any justification for it, and I am inclined always to give the benefit of the doubt to the tariff if it is a question on which the arguments are fairly well balanced. But I find here that in 1927 we produced 1,289 long tons of this commodity and that in that year only 14 tons of it came into the United States; that last year only 56 tons were produced and that imports increased from 1924, when there were 141,000 pounds, or about 70 tons, until in 1925 there were 839,000 pounds, or a little over 400 tons—

Mr. SMOOT. I am quite sure the Senator is mistaken in the figures he is reading.

Mr. BARKLEY. I am reading from the Tariff Commission's report.

Mr. SMOOT. It must be something else than tungsten, because nearly two-thirds of the tungsten we use in the United States is imported.

Mr. BARKLEY. This is under the head of imports of metallic tungsten, ferrotungsten, and other tungsten alloys.

Mr. PITTMAN. Those are the metals again. We are back to the difference between metals and ores. It so happens that there is no gold which is pure, even placer gold. It is about 10 per cent copper or 10 per cent silver. The form in which tungsten is shipped is the concentrate, which is about 60 or 70 per cent metal, and that concentrate is made into metal and made into alloys, and in that form it is sent into commerce. Of course, we do not import any pure metal to any extent. We would only use it possibly in the drug stores. What we import into this country is the concentrated ore in the form of tungstate trioxide, which is 60 or 70 per cent metal.

Mr. BARKLEY. I find in the Tariff Commission report that tungsten ore now bears a duty equivalent to 191 per cent. I am wondering whether there is any justification for an increase above 191 per cent. The duty, in other words, is almost twice the value of the product. If by fixing a duty twice the value of the product we have been unable to stimulate the industry sufficiently to enable it to live, it seems to me it is almost a hopeless situation.

Mr. PITTMAN. It is not almost a hopeless situation; otherwise the miners would not be asking for a duty at all; they would stop operating.

Mr. BARKLEY. I notice the domestic production of tungsten ore in 1923 was 241 tons.

Mr. PITTMAN. What was it in 1928?

Mr. BARKLEY. In 1928 it was 1,290 tons.

Mr. PITTMAN. That is an increase.

Mr. BARKLEY. Almost six times as much as in 1923.

Mr. PITTMAN. Yes; it is encouraging. The industry is coming along.

Mr. BARKLEY. The imports have likewise increased since 1925, when there were 427 tons of tungsten content imported, to 1,428 tons in 1928, so that the increase has been thoroughly well parallel in domestic production and in the imports.

Mr. PITTMAN. There is about three times as much imported from China as is produced in the United States. If any other country than China were involved it might be a different situation, but when we are importing from China and when we attempt to compare the wages of miners in China with the wages of miners in this country, we find that in reality there is no comparison.

Mr. BARKLEY. It so happens that China has the chief deposits of tungsten in the world.

Mr. PITTMAN. That is true.

Mr. BARKLEY. It supplies the largest part of tungsten to all the nations of the earth. Nature seems to have favored China in the deposits of tungsten ore.

Mr. PITTMAN. Nature has given China the chief supply of what we call tungsten ore, and China also has the advantage of labor wages of 5 cents a day as against our wages of \$5 a day. That is the proposition against which we are contending.

Mr. ODDIE. Mr. President, I indorse heartily what has been said on the subject of tungsten by the Senator from California [Mr. SHORTRIDGE], by my colleague the senior Senator from Nevada [Mr. PITTMAN], and by the Senator from Colorado [Mr. PHIPPS]. Nevada is a large tungsten producer, and if we are granted the protection which will be afforded by a rejection of the Senate committee amendment Nevada's tungsten production industry will go ahead. I am familiar with the industry. I am familiar with tungsten mining. I have had considerable experience in it, and I know it is a very difficult thing to find tungsten. I know the prospectors of Nevada have worked long

and faithfully and have shown a high degree of intelligence in the finding of tungsten deposits. We want to supply the American market from our deposits in the various States of the Union and stop importations of the foreign product produced by cheap labor.

Mr. President, I send to the desk for insertion in the RECORD three letters, one from Henry M. Rives, secretary of the Nevada Mine Operators' Association; one from V. A. Tamney, a practical prospector and miner in Nevada, who has had long experience in tungsten mining; both letters being dated in 1927, but much that is said in those letters applies to-day; also a letter from Mr. C. Colcock Jones, consulting mining engineer of Los Angeles, dated September 21, 1929.

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

The letters referred to are as follows:

NEVADA MINE OPERATORS' ASSOCIATION,
Reno, Nev., December 15, 1927.

HON. TASKER L. ODDIE,
United States Senator, Washington, D. C.

MY DEAR SENATOR: Information received here indicates that an attempt will be made in the present Congress to remove the tariff duty on tungsten. As you, of course, know, Nevada is a substantial producer of that mineral, and were the demand greater and the cost of operation low enough a much larger production could be had. Tungsten is found in various sections of the State, and productive mines have operated in a number of different localities.

In my opinion, the industry would receive its most severe blow in the removal of the tariff duty. In fact, with high labor, transportation, and other costs I do not believe that a single mine could operate in Nevada without the tariff protection now afforded. I hope, therefore, that if efforts are made to place tungsten on the free list that you will find it consistent to record your opposition.

With kind personal regards.

Yours very truly,

HENRY M. RIVES, Secretary.

RENO, NEV., December 7, 1927.

HON. TASKER L. ODDIE,
Washington, D. C.

DEAR SENATOR AND FRIEND: I beg permission in calling your attention to a letter article by Paul Wooten, special correspondent, appearing in Engineering Mining Journal of November 19, at page 826, which indicates that information is being gathered for submission to the Finance Committee of the Senate in attempting to remove the present tariff from tungsten ore which is undoubtedly the work of big steel interests who desire to put the American producers of tungsten on a par with the coolie Chinese, or destroy this western industry altogether.

The article goes on to quote figures relative to American production during 1926 and 1927 as being relatively small compared to the present needs, etc. Therefore as we are familiar with the facts responsible for the present small American production it becomes part of our duty to stand up in defense of our State's industry as we positively know there are abundance of large bodies of low-grade scheelite ores in Nevada which could be worked profitably at \$12.50 to \$13 per unit.

We are also aware of the clumsy leak holes which was discovered in the tariff law, some of which have been plugged from time to time, but the repairs were not sufficiently prompt or substantial to gain the confidence of capital to undertake the development of new tungsten properties, nor for those already engaged in the business of production to enlarge their scope of operations.

During 1917 and 1918 the domestic production had reached more than 5,000 tons annually, which quantity would be practically double that of the present industrial needs of this country, but after termination of the war in November, 1918, there were enormous quantities of surplus tungsten ores on hand with no market at any price, and it is a well-known fact that some dealers were glad to export tungsten ores to foreign markets at a price of \$2.25 per unit of WO₃ and it required more than five years to work off the surplus stocks, meanwhile there were millions of dollars capital tied up in tungsten mills, properties, and other equipment that had become valueless, and many costly plants had to be junked. This condition was not due to scarcity of ores as these selfish interests would have you believe, and as a matter of fact, regardless of the low price of the ores, were we to purchase any article or tool containing a minute quantity of tungsten, the price of such articles remained as of war-time denomination.

Personally I have struggled nine years in an effort to interest capital in large tungsten deposits of Nevada, whereon the assay sheets show bodies of scheelite ore of 70 feet in width of from one-half to three-fourths per cent WO₃ to the ton, which necessitates a large outlay of money for equipment and development before one dollar in returns can be realized.

Just recently I succeeded in interesting the Tungsten Production Co. (Inc.), of Colorado, to come into Nevada and develop some of these big properties. These people are already in a large sum of money and are yet only begun, when compared to the outlay necessary to put these properties upon a productive basis, and at this time should the tariff

be cut down or removed, it is obvious of becoming ruinous not only to these interests but to the State's industry.

As before stated, there are many big bodies of tungsten ores in Nevada, Arizona, and California that with a reasonable price, say not less than \$12.50 per unit, these properties can be developed so that the necessary supply can be furnished the manufacturers in the United States.

It is not a matter of preserving our tungsten ores, but on the other hand it only requires development in order to make the tungsten mining industry of sufficient importance. Consequently if the mines are not developed, then in case of war or any other emergency it will be impossible to make a large production, as these big bodies of tungsten are low grade and necessarily require a great amount of time to develop the mines and work out processes of treatment.

Hence the important point should the present invested capital be forced to bankruptcy just to satisfy the steel interests in getting bigger profits. It is very doubtful that capital could ever again be induced to enter the industry.

Furthermore we are well aware of the fact that the consuming public are never benefited by the impoverished low price of the raw material tungsten.

Fully realizing that you, honorable Senator, have had the actual field experience which qualifies you to ably combat this tariff meddling propaganda, I respectfully urge that you use your influence in behalf of that which bids well to become an important Nevada industry if allowed to survive.

Thanking you in advance of the favor, I remain,
Yours very cordially,

V. A. TAMNEY.

LOS ANGELES, CALIF., September 21, 1929.

United States Senator TASKER L. ODDIE,
Washington, D. C.

MY DEAR SENATOR: Some time ago at a luncheon of the California Development Co. I had the pleasure of meeting you and hearing some remarks of yours on the subject of tariff as applied to western products.

I would respectfully call to your attention the subject of tungsten, which is produced both in California and Nevada, and without a protective tariff these mines would be shut down, as was the case shortly after the war.

Our chief competitive source of supply on the coast is from the Chinese mines, which are now largely shut down, and with the present tariff on tungsten it would seem quite possible to hold the price as at present of about \$16 per unit of 1 per cent. Being used only in small quantity in the making of alloy steels and for drill purposes, that price works no hardships on the manufacturer or the consumer, and does give the mining of scheelite an opportunity to proceed with some profit.

On the other hand, the lack of an adequate tariff on tungsten does not in the end benefit to any appreciable extent the ultimate consumer through the use of foreign-produced tungsten.

I trust this tungsten tariff will be closely scrutinized by you and have your approval.

Yours very truly,

C. COLCOCK JONES.

Mr. ODDIE. I also send to the desk a resolution of the Legislature of Nevada calling for adequate duty on tungsten and other mineral products, which I ask may be printed in the RECORD.

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

The resolutions are as follows:

Assembly Joint Resolution No. 18, approved March 21, 1929, memorializing Congress relative to products of the State of Nevada

Whereas brucite, bismuth, cadmium, graphite, lime, magnesite, monazite, and thorium, quicksilver, talc, lead, fluorspar, molybdenum, antimony, metallic arsenic, arsenious acid, barytes, bauxite, crude gypsum, kaolin, montmorillonite, mica, potash, pumice, garnet, tourmaline, travertine, marble, asbestos, and metallic tungsten are valuable products found within the borders of the State of Nevada; and

Whereas the production, transportation, and reduction of many of the foregoing products are extremely expensive, in proportion to the same costs relative to the foreign products of the same materials, thereby resulting in stagnation in the production of said materials within this State, unless the same shall be protected by proper tariff duties: Now, therefore, be it

Resolved, That Congress of the United States be, and is hereby, memorialized by the Senate and Assembly of the State of Nevada as follows:

For a continuation of the present duties, inclusive of the increases granted by the President on bismuth, cadmium, graphite, lime, magnesite, brucite, monazite and thorium, quicksilver, and talc; to make applicable to brucite, a Nevada product, the same duties as applies to magnesite; and to bentonite and the filtering clays in general, the duties now applicable to talc; for a continuation of at least the present duty on zinc and a slightly higher on lead, fluorspar, and molybdenum; for an increase on antimony of from 2 to 4 cents per pound; and metallic arsenic, 6 cents per pound; arsenious acid or white arsenic, 4 cents per pound; barytes, \$8 per short ton, and bauxite \$3 per long

ton; crude gypsum, \$3 per ton; crushed gypsum, \$3.50 per ton; calcined gypsum, not less than \$4.25 per ton; and on kaolin (add montmorillonite), \$3.75 per ton; on mica, potash, pumice, abrasive, garnet and tourmalines, pumice stone, travertine, marble, and asbestos, the duties recommended by the American Mining Congress, and to forbid their free entry as ship ballast; on metallic tungsten, not less than 67½ cents per pound; and on manganese, of which mineral Nevada is a heavy potential producer, the duties now sought and advocated by the American Manganese Producers Association; and be it further

Resolved, That copies of this resolution, duly authenticated, be transmitted forthwith by the secretary of state of the State of Nevada to the President of the United States Senate and to the Speaker of the House of Representatives and to each of our Senators and to our Representative in Congress.

MORLEY GRISWOLD,
President of the Senate.
V. R. MERRILL,
Secretary of the Senate.
R. C. TURBITT,
Speaker of the Assembly.
V. M. HENDERSON,
Chief Clerk of the Assembly.

STATE OF NEVADA,

Department of State, ss:

I, W. G. Greathouse, the duly elected, qualified, and acting secretary of state of the State of Nevada, do hereby certify that the foregoing is a true, full, and correct copy of the original assembly joint resolution No. 18 of the thirty-fourth session of the Legislature of the State of Nevada, now on file and of record in this office.

In witness whereof I have hereunto set my hand and affixed the great seal of State, at my office, in Carson City, Nev., this 23d day of March, A. D. 1929.

[SEAL.]

W. G. GREATHOUSE,
Secretary of State.

Mr. ODDIE. Mr. President, I think this matter can be settled without further debate. I reiterate what has been said and urge the necessity of giving adequate protection to the American tungsten-producing industry. I know that with encouragement numbers of tungsten mines can be developed and operated successfully, and the United States mines can supply the United States' demand in a very short time. I hope the amendment of the committee will be rejected.

The PRESIDING OFFICER. The question is upon agreeing to the committee amendment. [Putting the question.] The noes seem to have it.

Mr. SIMMONS. Mr. President, do I understand the Chair to rule that the noes have it?

The PRESIDING OFFICER. The Chair has not so ruled.

Mr. SIMMONS. The reason why I interrupted the Chair is because I was requested to call for a quorum before the vote, but it is all right.

The PRESIDING OFFICER. The Chair has not announced his ruling as final. Does the Senator desire to suggest the absence of a quorum?

Mr. SIMMONS. Very well; I understand the situation.

The PRESIDING OFFICER. The noes seem to have it. The noes have it, and the amendment of the committee is rejected.

Mr. WALSH of Montana. Mr. President, the report submitted by the so-called lobby committee this morning on the effort to discipline members of the Tariff Commission force on account of information given to committees of both Houses of Congress makes pertinent a schedule which I am offering for the RECORD showing what the State of New Jersey gets out of the tariff. I offer it because the Senator from New Jersey [Mr. EDGE] was a member of the subcommittee which dealt with the earthenware schedule. The increases sanctioned by the Committee on Finance give to the State of New Jersey a trifle of \$6,000,000 upon its production of earthenware. The table which I offer for the RECORD is prepared under the direction of Mr. H. E. Miles by Mr. Ludwig, a statistician of the Department of Commerce.

The PRESIDING OFFICER. Without objection, the table will be printed in the RECORD.

The table is as follows:

(Fair Tariff League, H. E. Miles, chairman)

WASHINGTON, D. C., November 10, 1929.

Behind the scenes in New Jersey

| | |
|---|------------------|
| The tariff gives New Jersey manufacturers----- | \$747, 000, 000 |
| Costing consumers----- | 1, 440, 000, 000 |
| Liking this tainted income New Jersey asks for more. | |
| The Senate committee increases New Jersey tariff allow- | |
| ance----- | \$93, 000, 000 |
| Costing consumers----- | 186, 000, 000 |
| In 62 industries, only 78.1 per cent of the State's total | |
| production, the tariff allowance to manufacturers is-- | 562, 000, 000 |
| All industries, assuming same rates for other 21.9 per | |
| cent----- | 720, 000, 000 |
| Cost to consumers, if added to prices----- | 1, 440, 000, 000 |

| | |
|--------------------------------------|---------------|
| Senate bill: | |
| On above 78.1 per cent of production | \$635,000,000 |
| On total production | 813,000,000 |
| Costing consumers | 1,626,000,000 |
| Senate increase | 93,000,000 |
| Costing consumers | 186,000,000 |

The responsibility of Congress in voting these sums is the same whether the grants are added to prices in full or less than full.

| | |
|--|---------------|
| Average tariff rate, free and dutiable | Per cent 20.2 |
| Senate bill | Per cent 22.8 |

| | |
|--|---------------|
| Average rate, dutiable only, under act of 1922 and Senate bill | Per cent 26.4 |
| Senate bill | Per cent 29.9 |
| Per cent of wages to factory selling prices | Per cent 16.4 |

Of the 62 industries, only 7 are unprotected, newspapers and periodicals, yeast bread, and 5 crude products—petroleum refining, copper smelting and refining, fertilizers, wood pulp, gold and silver reducing, not from the ore.

New Jersey manufacturers know what they want and get it. They can afford to.

| Order of magnitude | Industry | Number of establishments | Domestic productions, census 1919 | Tariff ad valorem equivalents | | Protection to manufacturers | | Cost to consumers | |
|--------------------|--|--------------------------|-----------------------------------|-------------------------------|----------------|-----------------------------|-----------------|-------------------|-----------------|
| | | | | Act 1922 | Senate bill | Act 1922 | Senate bill | Act 1922 | Senate bill |
| | | | | Per cent Free. | Per cent Free. | Million dollars | Million dollars | Million dollars | Million dollars |
| 1 | Petroleum, refining | 9 | \$280,995,000 | Free. | Free. | 0 | 0 | 0 | 0 |
| 2 | Smelting and refining, copper | 4 | 244,269,000 | Free. | Free. | 0 | 0 | 0 | 0 |
| 3 | Shipbuilding, steel | 13 | 229,826,000 | 40.0 | 45.0 | 66 | 74 | 132 | 148 |
| 4 | Silk goods, including throwsters | 686 | 215,051,000 | 55.9 | 62.2 | 77 | 86 | 154 | 172 |
| 5 | Foundry and machine-shop products | 446 | 128,534,000 | 35.0 | 40.0 | 33 | 38 | 66 | 76 |
| 6 | Electrical machinery, apparatus, and supplies | 105 | 120,341,000 | | | 27 | 31 | 54 | 62 |
| | All except lamps | | 100,321,000 | 31.2 | 30.1 | 24 | 23 | 48 | 46 |
| | Incandescent lamps | | 20,020,000 | 20.0 | 48.4 | 3 | 8 | 6 | 16 |
| 8 | Worsted goods | 20 | 95,115,000 | 51.9 | 69.4 | 33 | 43 | 66 | 86 |
| 9 | Rubber tires, tubes, and rubber goods not elsewhere specified | 65 | 84,129,000 | 27.7 | 27.7 | 18 | 18 | 36 | 36 |
| 10 | Chemicals | 78 | 84,034,000 | 23.1 | 26.8 | 16 | 18 | 32 | 36 |
| 11 | Dyeing and finishing textiles, exclusive of that done in textile mills | 132 | 79,305,000 | 22.0 | 27.0 | 14 | 18 | 28 | 36 |
| 12 | Leather, tanned, curried, and finished | 73 | 78,012,000 | | | 6 | 12 | 12 | 24 |
| | Sole, upper, etc. (free, act 1922) | | 41,031,000 | Free. | 16.7 | 0 | 6 | 0 | 12 |
| | Other leather (dutiable, act 1922) | | 36,981,000 | 20.0 | 19.1 | 6 | 6 | 12 | 12 |
| 13 | Iron and steel; steel works and rolling mills | 16 | 74,382,000 | 22.4 | 25.3 | 14 | 16 | 28 | 32 |
| 14 | Cotton goods | 33 | 58,706,000 | 34.4 | 44.1 | 15 | 19 | 30 | 38 |
| 15 | Bread and other bakery products | 1,263 | 55,763,000 | | | 6 | 6 | 12 | 12 |
| | Bread (yeast, leavened) ¹ | | 27,882,000 | Free. | Free. | 0 | 0 | 0 | 0 |
| | Other products ¹ | | 27,881,000 | 30.0 | 30.0 | 6 | 6 | 12 | 12 |
| 16 | Phonographs and graphophones | 15 | 55,419,000 | 30.0 | 30.0 | 13 | 13 | 26 | 26 |
| 17 | Coal-tar products | 48 | 44,740,000 | 51.1 | 50.8 | 15 | 15 | 30 | 30 |
| 18 | Automobiles | 6 | 39,561,000 | | | 8 | 6 | 16 | 12 |
| | Motor trucks and busses ¹ | | 17,802,000 | 25.0 | 25.0 | 4 | 4 | 8 | 8 |
| | Passenger cars ¹ | | 21,759,000 | 25.0 | 10.0 | 4 | 2 | 8 | 4 |
| 19 | Soap | 16 | 37,382,000 | 22.4 | 22.4 | 9 | 9 | 18 | 18 |
| 20 | Food preparations, not elsewhere specified | 100 | 33,612,000 | 18.7 | 20.2 | 5 | 6 | 10 | 12 |
| 21 | Tobacco, cigars, and cigarettes | 308 | 32,299,000 | 27.9 | 27.9 | 7 | 7 | 14 | 14 |
| 22 | Oil, not elsewhere specified | 30 | 30,835,000 | 29.9 | 30.5 | 7 | 7+ | 14 | 14+ |
| 23 | Cars and general shop construction and repairs by steam railroad companies | 36 | 29,467,000 | 29.4 | 31.1 | 7- | 7 | 14- | 14 |
| 24 | Jewelry | 174 | 27,890,000 | | | 12 | 14 | 24 | 28 |
| | Gold and platinum | | 14,168,000 | 80.0 | 80.0 | 6 | 6 | 12 | 12 |
| | Other jewelry | | 13,722,000 | 78.2 | 106.6 | 6 | 8 | 12 | 16 |
| 25 | Liquors, malt | 20 | 26,148,000 | 59.1 | 59.1 | 10 | 10 | 20 | 20 |
| 26 | Canning and preserving, fruits and vegetables | 53 | 24,619,000 | 29.9 | 45.8 | 6 | 9 | 12 | 18 |
| 27 | Millinery and lace goods, not elsewhere specified | 510 | 24,506,000 | 64.5 | 79.7 | 10 | 12 | 20 | 24 |
| 28 | Tobacco, chewing and smoking, snuff | 10 | 24,419,000 | 55.8 | 55.8 | 9 | 9 | 18 | 18 |
| 29 | Knit goods | 90 | 23,853,000 | | | 9+ | 9 | 18+ | 18 |
| | Gloves ¹ | | 716,000 | 69.8 | 32.4 | 3 | 1 | 6 | 2 |
| | Other knit goods ¹ | | 23,137,000 | 58.6 | 59.5 | 9 | 9 | 18 | 18 |
| 30 | Oilcloth and linoleum, floor | 10 | 21,689,000 | 34.9 | 38.7 | 6- | 6 | 12- | 12 |
| 31 | Paper and wood pulp | 33 | 20,361,000 | | | 5- | 5 | 10- | 10 |
| | Wood pulp ¹ | | 2,036,000 | Free. | Free. | 0 | 0 | 0 | 0 |
| | Paper ¹ | | 18,325,000 | 33.0 | 36.1 | 5- | 5 | 10- | 10 |
| 32 | Gas, illuminating and heating | 38 | 20,317,000 | 30.0 | 30.0 | 5 | 5 | 10 | 10 |
| 33 | Wire | 7 | 19,878,000 | 25.2 | 26.9 | 4 | 4 | 8 | 8 |
| 34 | Engines, steam, gas, and water | 15 | 19,387,000 | 20.3 | 22.1 | 3 | 4 | 6 | 8 |
| 35 | Paints | 33 | 18,501,000 | 34.0 | 43.7 | 5 | 6 | 10 | 12 |
| 36 | Gold and silver, reducing and refining, not from the ore | 14 | 18,391,000 | Free. | Free. | 0 | 0 | 0 | 0 |
| 37 | Clothing, women's | 255 | 17,900,000 | 64.2 | 71.6 | 7 | 8 | 14 | 16 |
| 38 | Confectionery and ice cream | 245 | 16,899,000 | 40.0 | 40.0 | 5 | 5 | 10 | 10 |
| 39 | Hats, fur-felt | 31 | 16,625,000 | 56.2 | 60.1 | 6 | 6+ | 12 | 12+ |
| 40 | Pottery | 53 | 16,226,000 | | | 6 | 7 | 12 | 14 |
| | Earthen and stone ware | | 2,976,000 | 49.2 | 57.5 | 1- | 1+ | 2- | 2+ |
| | China and porcelain ware | | 13,250,000 | 68.2 | 72.2 | 5 | 6 | 10 | 12 |
| 41 | Clothing, men's | 164 | 15,950,000 | 55.6 | 57.0 | 6- | 6 | 12- | 12 |
| 42 | Fertilizers | 19 | 15,758,000 | Free. | Free. | Free. | Free. | Free. | Free. |
| 43 | Automobile bodies and parts | 110 | 15,111,000 | 25.0 | 17.5 | 3 | 2 | 6 | 4 |
| 44 | Bags, other than paper, not including bags made in textile mills | 14 | 14,697,000 | 19.2 | 19.2 | 2 | 2 | 4 | 4 |
| 45 | Cordage and twine | 6 | 14,540,000 | 8.4 | 16.5+ | 1 | 2 | 2 | 4 |
| 46 | Brass, bronze, and copper products | 67 | 14,412,000 | 38.5 | 42.8 | 4 | 4+ | 8 | 8+ |
| 47 | Glass | 21 | 13,895,000 | 53.9 | 69.5 | 5 | 6 | 10 | 12 |
| 48 | Structural ironwork, not made in steel works or rolling mills | 73 | 13,633,000 | 25.1 | 34.0 | 3 | 4 | 6 | 8 |

| Order of magnitude | Industry | Number of establishments | Domestic productions, census 1919 | Tariff ad valorem equivalents | | Protection to manufacturers | | Cost to consumers | |
|--------------------|--|--------------------------|-----------------------------------|-------------------------------|-------------|-----------------------------|-----------------|-------------------|-----------------|
| | | | | Act 1922 | Senate bill | Act 1922 | Senate bill | Act 1922 | Senate bill |
| | | | | Per cent | Per cent | Million dollars | Million dollars | Million dollars | Million dollars |
| 49 | Varnishes..... | 30 | \$13,314,000 | 25.4 | 25.4 | 3 | 3 | 6 | 6 |
| 50 | Tinware, not elsewhere specified..... | 9 | 13,079,000 | 40.0 | 45.0 | 4 | 4+ | 8 | 8+ |
| 51 | Boots and shoes, not including rubber boots and shoes..... | 34 | 12,864,000 | | | 0 | 2 | 0 | 4 |
| | All leather footwear ¹ | | 12,144,000 | Free. | 20.0 | 0 | 2 | 0 | 4 |
| | Other footwear ¹ | | 720,000 | 35.0 | 35.0 | .2 | .2 | .4 | .4 |
| 52 | Pumps, steam and other power..... | 6 | 12,723,000 | 30.0 | 35.0 | 3- | 3+ | 6- | 6+ |
| 53 | Printing and publishing, newspapers and periodicals..... | 295 | 12,400,000 | Free. | Free. | Free. | Free. | Free. | Free. |
| 54 | Shirts..... | 46 | 12,250,000 | 37.5 | 51.5 | 3 | 5 | 6 | 10 |
| 55 | Surgical appliances..... | 12 | 12,112,000 | 35.0 | 35.0 | 3 | 3 | 6 | 6 |
| 56 | Belting and hose, rubber..... | 5 | 10,880,000 | 27.5 | 27.5 | 2 | 2 | 4 | 4 |
| 57 | Chocolate and cocoa products..... | 8 | 10,813,000 | 18.5 | 35.8 | 2 | 3 | 4 | 6 |
| 58 | Pencils, lead..... | 5 | 10,791,000 | 39.7 | 39.7 | 3 | 3 | 6 | 6 |
| 59 | Lumber, planing-mill products, not including planing mills connected with sawmills..... | 168 | 10,759,000 | 19.1 | 19.1 | 2 | 2 | 4 | 4 |
| 60 | Furniture..... | 78 | 10,751,000 | 34.9 | 35.5 | 3 | 3 | 6 | 6 |
| 61 | Steam packing..... | 17 | 10,291,000 | 16.0 | 18.0 | 1+ | 2- | 2+ | 4- |
| 62 | Brick and tile, terra cotta, and fire-clay products..... | 67 | 10,127,000 | 35.7 | 54.5 | 3 | 4 | 6 | 8 |
| 63 | Photographic materials..... | 18 | 10,031,000 | 27.8 | 28.2 | 2 | 2 | 4 | 4 |
| | Total, 62 industries (78.1 per cent of total production in the State)..... | | 2,780,387,000 | 20.2 | 22.8 | 562 | 635 | 1,124 | 1,270 |
| | Other industries, free and dutiable..... | | 781,457,000 | 20.2 | 22.8 | 158 | 178 | 316 | 356 |
| | Grand total, industries..... | | 3,561,844,000 | 20.2 | 22.8 | 720 | 813 | 1,440 | 1,626 |
| | Industrial products dutiable under 1922 act (\$654,906,000=23.5 per cent in total of 62 industries)..... | | 2,125,481,000 | 26.4 | 29.9 | 562 | 635 | 1,124 | 1,270 |
| | Other industries, omitting 10 per cent (\$78,146,000) estimated for free..... | | 703,311,000 | 26.4 | 29.9 | 185 | 211 | 370 | 422 |
| | Grand total dutiable only under act and bill..... | | 2,828,792,000 | 26.4 | 29.9 | 747 | 846 | 1,494 | 1,692 |
| | Add leather products, free under 1922 act, dutiable in Senate bill..... | | 53,175,000 | | | 0 | 8 | 0 | 16 |
| | Total..... | | 2,881,967,000 | | | 747 | 854 | 1,494 | 1,708 |

¹ Not separately stated for State. Estimated in proportion to magnitude in national production.

The seventh industry, slaughtering and meat packing (New Jersey production \$110,221,000) is omitted from above table. Its duties are very considerable, but national production (\$4,000,000,000) is unaffected by the small imports (one-half of 1 per cent of production) which absorb the duty.

In America's first tariff, written by Alexander Hamilton and the "fathers," only 15 lines are given to classifications and rates, utterly simple and clear—maximum rate, carriages excepted, 10 per cent.

The present tariff takes 17 pages for classifications and rates, mostly to cover up allowances and profits like the following by figures and phrases that only the most experienced person can decipher, and then with difficulty. Witness the following:

Twenty-one of New Jersey's principal industries and their tariff allowances

| (1) Products | (2) Tariff rates | | (3) Per cent of production value received by labor | (4) Tariff allowance to New Jersey manufacturers under present law | (5) Cost to consumers, present law |
|---|--------------------------|-------------|---|---|---------------------------------------|
| | Present law, act of 1922 | Senate bill | | | |
| | Per cent | Per cent | | | |
| Silk goods..... | 55.9 | 62.2 | 15.3 | \$77,000,000 | \$54,000,000 |
| Electrical machinery, apparatus, and supplies (except lamps)..... | 31.2 | 30.1 | 22.7 | 27,000,000 | 54,000,000 |
| Worsted goods..... | 51.9 | 69.4 | 13.7 | 33,000,000 | 66,000,000 |
| Chemicals..... | 23.1 | 26.8 | 17.7 | 16,000,000 | 32,000,000 |
| Cotton goods..... | 34.4 | 44.1 | 13.8 | 15,000,000 | 30,000,000 |
| Coal-tar products..... | 51.1 | 50.8 | 24.2 | 15,000,000 | 30,000,000 |
| Cheap jewelry (other than gold and platinum)..... | 78.2 | 106.6 | 15.8 | 6,000,000 | 12,000,000 |
| Millinery and lace goods..... | 64.5 | 79.7 | 21.7 | 10,000,000 | 20,000,000 |
| Knit goods (except gloves)..... | 58.6 | 59.5 | 18.8 | 9,000,000 | 18,000,000 |
| Paints..... | 34.0 | 43.7 | 8.1 | 5,000,000 | 10,000,000 |
| Earthen and stone ware..... | 49.2 | 57.5 | 25.9 | 1,000,000 | 2,000,000 |
| China and porcelain ware..... | 68.2 | 72.2 | 41.9 | 5,000,000 | 10,000,000 |
| Clothing, men's..... | 55.6 | 57.0 | 34.3 | 6,000,000 | 12,000,000 |
| Clothing, women's..... | 64.2 | 71.6 | 24.7 | 7,000,000 | 14,000,000 |
| Brass, bronze, and copper products..... | 38.5 | 42.8 | 18.0 | 4,000,000 | 8,000,000 |
| Glass..... | 53.9 | 69.5 | 43.9 | 5,000,000 | 10,000,000 |
| Tinware..... | 40.0 | 45.0 | 16.6 | 4,000,000 | 8,000,000 |
| Pumps, steam and other power..... | 30.0 | 35.0 | 27.8 | 3,000,000 | 6,000,000 |
| Shirts..... | 37.5 | 51.5 | 15.3 | 3,000,000 | 6,000,000 |
| Pencils, lead..... | 39.7 | 39.7 | 22.2 | 3,000,000 | 6,000,000 |
| Brick and tile, terra-cotta and fire-clay products..... | 35.7 | 54.5 | 38.1 | 3,000,000 | 6,000,000 |
| Chocolate and cocoa products..... | 18.5 | 35.8 | 4.6 | 2,000,000 | 4,000,000 |
| Total..... | | | | 59,000,000 | 518,000,000 |

Column 2 shows first the tariff protection given to-day and the higher protection proposed in the Senate bill now pending.

The PRESIDING OFFICER. The next committee amendment passed over will be stated.

The next committee amendment passed over was, on page 57, line 23, after the word "acid," to strike out the word "and" and to insert "tungsten carbide powder, and," so as to read:

(f) Ferrotungsten, metallic tungsten, tungsten powder, tungstic acid, tungsten carbide powder, and all other compounds of tungsten, 60 cents per pound on the tungsten contained therein and 25 per cent ad valorem.

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

The amendment was agreed to.

The PRESIDING OFFICER. The next committee amendment passed over will be stated.

The next committee amendment passed over was, on page 59, line 20, after the word "metal," to strike out "\$2 per pound" and insert "\$1 per pound," so as to read:

Cerium metal, \$1 per pound.

The PRESIDING OFFICER. The question is upon agreeing to the amendment.

The amendment was agreed to.

Mr. SIMMONS. Mr. President, I move to reconsider the vote which the Senate took a few moments ago rejecting the committee amendment with reference to tungsten ore. I wholly misunderstood the result of that vote. I thought it was a vote to agree to the 45-cent rate, but I have since learned that it was not. I now suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

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

| | | | |
|-----------|--------------|----------------|---------------|
| Ashurst | Deneen | Kendrick | Sackett |
| Barkley | Dill | La Follette | Sheppard |
| Bingham | Fletcher | McKellar | Shortridge |
| Black | Frazier | McMaster | Simmons |
| Blaine | George | McNary | Smoot |
| Blease | Glass | Norbeck | Steiwer |
| Borah | Goldsborough | Norris | Stephens |
| Bratton | Hale | Nye | Swanson |
| Brock | Harris | Oddie | Thomas, Idaho |
| Brookhart | Harrison | Overman | Thomas, Okla. |
| Broussard | Hatfield | Patterson | Townsend |
| Capper | Hebert | Phipps | Trammell |
| Caraway | Heflin | Pine | Tydings |
| Connally | Howell | Pittman | Vandenberg |
| Copeland | Johnson | Ransdell | Wagner |
| Couzens | Jones | Reed | Walcott |
| Cutting | Kean | Robinson, Ind. | Walsh, Mont. |

The PRESIDING OFFICER. Sixty-eight Senators having answered to their names, a quorum is present. The question is on the motion of the Senator from North Carolina [Mr. SIMMONS] to reconsider the vote by which the committee amendment found on page 57, line 4, was rejected. [Putting the question.] In the opinion of the Chair the motion to reconsider the vote is carried. The question now recurs on the Senate committee amendment found on page 57, line 4.

Mr. SIMMONS. Mr. President, I merely wish to say that when we took a viva voce vote a little while ago there was a misapprehension as to the question upon which we were voting. Tungsten ore is on the dutiable list in the present law at a duty of 45 cents a pound. The House of Representatives sent us a bill raising the rate to 50 cents a pound. The Finance Committee reduced the rate on tungsten ore to 45 cents per pound, which is the present law. What we thought on this side of the Chamber we were voting for—at least what many of us thought, and I was amongst that number—was the amendment proposed by the Finance Committee. Our vote should have been "aye." I do not wish to discuss the proposition, Mr. President; it has already been discussed. I merely wish to state that those in favor of this reduction from the House increase should vote "yea" instead of "nay."

Mr. BARKLEY. Mr. President, will the Senator from North Carolina yield there?

Mr. SIMMONS. I yield.

Mr. BARKLEY. Mr. President, merely for the information of the Senate, if the information has not already been disclosed, I think it is undoubtedly true that the tungsten ore deposits in the United States are not sufficient to supply the demand in this country. It so happens that in China very rich deposits of tungsten ore are found, which can be mined probably more cheaply than those in the United States. During the war, on account of the scarcity of this metal, there were a number of developments instituted to produce tungsten, and when the war was over it was claimed that if the rate of duty was increased the domestic industry might be able to develop. A rate in the 1922 act equivalent to 191 per cent was put on the tungsten ore. As the result of that a corresponding increase had to be made in the duty on ferrotungsten, and a rate equivalent to 171 per cent was placed on ferrotungsten by the act of 1922.

Now, the question is whether, in view of a duty of 191 per cent on tungsten ore and 171 per cent on ferrotungsten, we ought now to increase the duty on the ore which might justify another increase in the rate on ferrotungsten. This product is now universally used in the electric-lighting industry; it goes into every home. I am unable to convince myself that a duty of 191 per cent as now carried in the present law is not sufficient.

Mr. SIMMONS. Mr. President, I am not talking about anything now but tungsten. As I understand the Senator from Kentucky, he says that we are not producing in this country anything like as much tungsten as we need.

Mr. BARKLEY. We are producing not quite 50 per cent of the demand.

Mr. SIMMONS. I think the Senator is entirely correct in that statement. We have to buy necessarily a large part of our tungsten from abroad. Therefore, it seems to me we ought not to impose any higher rate of duty than it seems to be absolutely necessary to afford some reasonable protection to the American producer, and 191 per cent would seem to me to be an ample protective duty.

Mr. BARKLEY. Under the present rate of duty the domestic industry has increased its production between 500 and 600 per cent in the last five years.

Mr. PITTMAN. Mr. President, that does not mean anything, as the Senator ought to know, if he does not know, for the simple reason that we produced all of the demand for ore, 4,000 tons, during the war. When the war was over in 1919, as the Senator will find, if he will examine the records, we had 20,000 tons on hand. There was a surplus on hand also in 1925, and there was practically no production in the United States during that year. If the Senator will examine the records he will discover that in 1925, 1926, and 1927 and 1928 the production has been just about the same for all those years, and there has been no increase; in fact, there have been only two or three mines in the United States that could possibly operate under the existing tariff.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment on page 57, line 4.

Mr. SIMMONS and others asked for the yeas and nays, and they were ordered.

The legislative clerk proceeded to call the roll.

Mr. BLEASE (when his name was called). I have a pair with the Senator from New Hampshire [Mr. MOSES]. Not knowing how he would vote if present, I withhold my vote.

Mr. COPELAND (when his name was called). I have a pair with the junior Senator from Illinois [Mr. GLENN]. Not knowing how he would vote, I withhold my vote.

Mr. MCKELLAR (when his name was called). On this question I am paired with the senior Senator from Ohio [Mr. FESS] and withhold my vote.

Mr. OVERMAN (when his name was called). I have a general pair with the senior Senator from Wyoming [Mr. WARREN]. I transfer that pair to the junior Senator from Arizona [Mr. HAYDEN] and will vote. I vote "yea."

Mr. SACKETT (when his name was called). I have a general pair with the Senator from Missouri [Mr. HAWES] and withhold my vote. If at liberty to vote, I should vote "yea."

Mr. STECK (when his name was called). On this question I have a pair with the senior Senator from West Virginia [Mr. GOFF], and therefore withhold my vote. If I were at liberty to vote, I should vote "yea" and the Senator from West Virginia would vote "nay."

The roll call was concluded.

Mr. ASHURST. I wish to announce that my colleague [Mr. HAYDEN] is necessarily absent from the Chamber. He has been called to the Interior Department on a very important matter.

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

The Senator from New Jersey [Mr. EDGE] with the Senator from South Carolina [Mr. SMITH];

The Senator from Delaware [Mr. HASTINGS] with the Senator from Massachusetts [Mr. WALSH];

The Senator from Massachusetts [Mr. GILLET] with the Senator from Utah [Mr. KING]; and

The Senator from Indiana [Mr. WATSON] with the Senator from Arkansas [Mr. ROBINSON].

The result was announced—yeas 31, nays 31, as follows:

YEAS—31

| | | | |
|-----------|-------------|----------------|---------------|
| Barkley | Connally | McMaster | Simmons |
| Black | Dill | Norbeck | Stephens |
| Blaine | Frazier | Norris | Swanson |
| Borah | Glass | Nye | Thomas, Okla. |
| Brock | Harris | Overman | Tydings |
| Brookhart | Harrison | Pine | Wagner |
| Capper | Howell | Robinson, Ind. | Walsh, Mont. |
| Caraway | La Follette | Sheppard | |

NAYS—31

| | | | |
|--------------|----------|------------|---------------|
| Ashurst | Hale | Oddie | Thomas, Idaho |
| Bingham | Hatfield | Patterson | Townsend |
| Braiton | Hebert | Phipps | Trammell |
| Couzens | Heflin | Pittman | Vandenberg |
| Cutting | Johnson | Ransdell | Walcott |
| Deneen | Jones | Reed | Waterman |
| Fletcher | Kendrick | Shortridge | Wheeler |
| Goldsborough | McNary | Stelwer | |

NOT VOTING—32

| | | | |
|-----------|----------|----------------|--------------|
| Allen | Gillett | Kean | Schall |
| Bleas | Glenn | Keyes | Shipstead |
| Broussard | Goff | King | Smith |
| Copeland | Gould | McKellar | Smoot |
| Dale | Greene | Metcalf | Steck |
| Edge | Hastings | Moses | Walsh, Mass. |
| Fess | Hawes | Robinson, Ark. | Warren |
| George | Hayden | Sackett | Watson |

So the amendment of the committee was rejected.

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

The LEGISLATIVE CLERK. On page 59, line 21, "Ferrocerium and all other cerium alloys," the committee proposes to strike out "\$2 per pound" and insert "\$1 per pound," so as to make the paragraph read:

(p) Ferrocerium and all other cerium alloys, \$1 per pound and 25 per cent ad valorem.

The amendment was agreed to.

The LEGISLATIVE CLERK. The next amendment passed over is on page 69, lines 8 and 9—

Mr. SMOOT. Mr. President, the clerk has passed one amendment, I think, on lines 21 and 22. That was passed over at the request of the Senator from New Jersey [Mr. EDGE]. We have acted upon the one on line 20.

The PRESIDING OFFICER. What page?

Mr. SMOOT. Page 59. We have just acted upon cerium metal. The next one that was passed by was "ferrocerium and all other cerium alloys," where the committee proposed to strike out "\$2" and insert "\$1."

The PRESIDING OFFICER. The present occupant of the chair is advised that that has been agreed to.

Mr. SMOOT. It was agreed to, but the Senator from New Jersey asked that it go over. If the RECORD shows it, that is all I care about.

The PRESIDING OFFICER. The question is upon agreeing to the amendment.

The amendment was agreed to.

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

The LEGISLATIVE CLERK. On page 69, lines 8 and 9, it is proposed to strike out "or platinum" and insert "platinum, tungsten, or molybdenum."

The amendment was agreed to.

The LEGISLATIVE CLERK. In line 21, the same amendment.

The amendment was agreed to.

The LEGISLATIVE CLERK. On page 70, after line 3, the committee proposes to insert the following:

(b) Ingots, shot, bars, sheets, wire, or other forms, not specially provided for, or scrap, containing more than 50 per cent of tungsten, tungsten carbide, molybdenum, or molybdenum carbide, or combinations thereof, 60 per cent ad valorem.

Mr. BARKLEY. Mr. President, I should like to inquire of the Senator from Utah the effect of that amendment.

Mr. SMOOT. This was passed over on account of the tungsten provisions. Now that they have been agreed to, it seems to me that this ought to be agreed to as well.

Mr. BARKLEY. Is that for the purpose of providing a compensatory duty?

Mr. SMOOT. It is an increase over the paragraph as passed by the House, but it is a decrease from the present law. The act of 1922, paragraph 302, carries a duty of 60 cents a pound and 25 per cent ad valorem. The Senate committee takes out the 50 cents a pound and makes it 60 per cent ad valorem. Molybdenum, in paragraph 302, under existing law is dutiable at 50 cents a pound and 15 per cent ad valorem, whereas the committee amendment is 60 per cent ad valorem, which is a decrease; and it is so with the wire or strips. Under paragraph 316 of the present law, that was dutiable at 25 per cent ad valorem, but there is an increase in value. Other forms were found in paragraph 399; so, taken as a whole, it is a decrease from existing law.

Mr. BARKLEY. What is the average ad valorem equivalent of 50 cents a pound and 15 per cent ad valorem as compared to 60?

Mr. SMOOT. Fifteen per cent ad valorem plus 50 cents a pound is equivalent to 85.81 per cent.

Mr. BARKLEY. So that, in effect, this is a reduction from 82½ per cent to 60 per cent?

Mr. SMOOT. No; I find that for the year 1928 the actual computed ad valorem rate was 35.81 per cent; so that it is an increase.

Mr. BARKLEY. So that this is an increase from 35 to 60 per cent?

Mr. SMOOT. Yes. That, however, is on molybdenum ingots or scrap; not on the others.

Mr. BARKLEY. What about bars, sheets, wire, and other forms?

Mr. SMOOT. If the Senator will notice, there were very small imports of that particular item.

Mr. BARKLEY. Yes. That is one reason why I do not see why there should be a 60 per cent duty on it.

Mr. SMOOT. I suppose the object of the committee, and what the department itself wanted, was to get all these items under one paragraph rather than to have them scattered in different parts of the bill.

Mr. BARKLEY. If that is the only object, they ought to be put together at the same rate they have been bearing, and not increased nearly 100 per cent. If the only object is to simplify administration, and get all these ingot products in one paragraph, the committee ought to be willing to do it at the rate they have been bearing.

Mr. SMOOT. The most important part of the whole paragraph is the tungsten ingots and scrap. That is a decrease.

Mr. BARKLEY. Yes. I thought the Senator said that was an increase.

Mr. SMOOT. No; that is a big decrease. The present law is 60 cents per pound plus 25 per cent ad valorem.

Mr. BARKLEY. What is that in ad valorem terms, taking the two together?

Mr. SMOOT. It is 25 per cent of the value. The duty under the present act is 158.18 per cent. The committee has reduced that to 60 per cent ad valorem, or a reduction of nearly 100 per cent. That is, the great bulk of the items in that amendment; and, taking it as a whole, it is a great decrease all along the line.

Mr. BARKLEY. I am not going to insist on voting against this amendment; but if later, on further investigation, it seems that it ought to be changed, I will reserve the right to offer an amendment when the bill gets into the Senate.

Mr. SMOOT. That will be all right.

The PRESIDING OFFICER. The question is upon agreeing to the amendment found on page 70, line 4.

The amendment was agreed to.

Mr. COPELAND. Mr. President, I call the attention of the chairman of the committee to page 71, paragraph 319. I had an amendment pending to this paragraph.

Mr. SMOOT. That will have to be presented as an individual amendment after the committee amendments have been acted upon.

Mr. COPELAND. Mr. President, I am rising for the purpose of asking a reconsideration of the vote by which the amendment in that paragraph was passed on in my absence. The committee amendment, I understand, was agreed to, but had I been here, my amendment would have been in order, would it not?

Mr. SMOOT. What is the amendment?

Mr. COPELAND. On page 72, line 7, to strike out the figures "50" and insert in lieu thereof "15," so that it would read "15 per cent ad valorem."

Mr. COUZENS. Mr. President, the rate of 50 per cent was agreed to on November 7.

Mr. COPELAND. I know that, and I am asking for a reconsideration of the vote.

Mr. SMOOT. Why not reserve the right to offer an amendment in the Senate, and let us go along with the bill?

The PRESIDING OFFICER. The Senator would have the right to offer an amendment in the Senate.

Mr. COPELAND. There is some justification for the suggestion of the Senator from Utah, because I notice from the debate, participated in largely by the Senator from Pennsylvania [Mr. REED], who appears to be absent at this moment, that he was the one who made the argument in favor of this increase.

Mr. SMOOT. The Senator from Pennsylvania was in the Chamber a few moments ago. I hope the Senator will reserve the right to offer the amendment when the bill reaches the Senate.

Mr. COPELAND. I want to call attention to the fact that the present rate on this commodity is 25 per cent, and I can see no justification whatever for an increase from 25 per cent to 40 per cent, as proposed by the House, and now to 50 per cent.

Mr. SMOOT. I think the Senator was misinformed when he was told that the rate was 25 per cent. It is true that the House collected all of the items that fell under this classification and put them in at 40 per cent. Many of the items that fall in this paragraph are to-day carrying 40 per cent, some of them 35, and a few of them, just as the Senator says, 25 per cent; but the bulk of them have been assessed at duties, under existing law, averaging from 35 to 40 per cent.

Mr. COPELAND. Mr. President, the very first item in paragraph (b) on page 71 is "autoclaves." Autoclaves are the great cylinders that are used in the hospitals for the sterilization of surgical dressings. Unquestionably by the use of this system of sterilization the mortality rate in surgical operations has been tremendously decreased. Many of these articles come from abroad, where there has been a specialization in the production of this class of goods. I can not for the life of me see why, for the benefit of one concern which is making a tremendous profit in the United States, we should deprive the hospitals and others interested of buying these autoclaves at a lower price.

I am perfectly clear that the most we should do is to agree to what the House proposed, and certainly there is no justification on the part of the Senate in making an increase to 50 per cent. That is the way I feel about the matter.

Mr. SMOOT. Mr. President, I want to call the Senator's attention to the fact that this is qualified. It reads:

If over 20 inches at the largest inside diameter * * * and having metal walls 1¼ inches or more in thickness.

That is the qualification.

The autoclaves of which the Senator speaks, the small ones, are to-day bearing a rate of 40 per cent. There are many kinds. We state exactly here under just what rate they fall.

If we had not put in the words "if over 20 inches at the largest inside diameter, exclusive of nonmetallic lining," the Senator's criticism would be absolutely justified.

Mr. COPELAND. Mr. President, in view of the fact that the Senator from Pennsylvania [Mr. REED] is not here, and a concern in his State is materially interested in this matter, I am satisfied to let it go over, with the understanding, of course, that I shall have the right in due time to present an amendment of my own in regard to the matter.

Mr. SMOOT. Yes; that is understood.

Mr. COPELAND. I am thoroughly convinced that if there is any place where we are not justified in making an increase in the tariff, it is on this particular item.

Mr. SMOOT. If we had not specifically made the qualification to which I have referred, the Senator would be absolutely correct.

Mr. FLETCHER. Mr. President, in order to straighten this out, I think the Senator would be in order in moving to reconsider the vote where a committee amendment has been adopted.

The PRESIDING OFFICER. A motion to reconsider would be in order, but the Senator has an equal right to present his amendment when the bill reaches the Senate.

Mr. SMOOT. Certainly.

Mr. COPELAND. May I say to my friend the Senator from Florida that I am satisfied to let the matter go over, and to take it up at a later date.

Mr. BARKLEY. Mr. President, I desire to offer two amendments, striking out the House provision and the Senate amendment in sections 367 and 368, dealing with the watch and clock schedule.

The PRESIDING OFFICER. The amendments will be received and printed, and lie on the table. The clerk will state the next amendment.

Mr. SMOOT. Has the amendment on line 6 been agreed to?

The PRESIDING OFFICER. That has been agreed to.

The next amendment was on page 76, line 13, where the committee proposed to strike out the words, "upholsterers' nails, chair glides, and thumb tacks, of two or more pieces of iron or steel, finished or unfinished, 3 cents per pound," and to insert "upholstery nails, chair glides, thumb tacks, and drawing pins, with heads assembled to shanks, whether finished or unfinished, made wholly or in part of iron or steel or other base metal, 40 per cent ad valorem."

The amendment was agreed to.

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

The next amendment was on page 76, line 25, where the committee proposed to insert the words "staples, in strip form, for use in paper fasteners or stapling machines, 40 cents per pound."

Mr. BARKLEY. Mr. President, I desire to have some explanation of that amendment.

Mr. SMOOT. The duty in the present law is six-tenths of a cent per pound. The House made no change in that provision. The Senate committee fixed the rate at 40 cents per pound, which is equivalent to 56 per cent ad valorem.

Staples for stapling machines, dutiable in the act of 1922 and in H. R. 2667, as staples n. s. p. f., are specifically provided for by the Senate committee. The duty is increased from six-tenths of a cent to 40 cents per pound.

Production and imports are substantial. Imported staples are sold in the United States markets at less than one-half of the price of domestic staples. The proposed duty of 40 cents per pound, equivalent to about 56 per cent ad valorem, would still allow the foreign staples to be sold in the American market at about 25 per cent below the prices of the comparable domestic product. That is the reason why the change was made.

Mr. BARKLEY. That is a considerable increase.

Mr. SMOOT. It is, from six-tenths of 1 cent.

Mr. BARKLEY. From six-tenths of a cent to 40 cents per pound. In other words, it is increasing the duty on this article about 10,000 per cent.

Mr. SMOOT. Whatever the percentage of increase is, the question is, is it necessary?

Mr. BARKLEY. It is almost equivalent to taking it from the free list and putting a 56 per cent duty on it. I do not think we ought to agree to the amendment.

Mr. SMOOT. Does the Senator desire to change the 40 cents? The Senator does not want the duty to stay as it is, at six-tenths of a cent?

Mr. BARKLEY. I think an increase of a thousand per cent would be sufficient, and that is about what it would be if it were made 10 cents instead of 40. I offer an amendment to substitute 10 cents in lieu of 40.

Mr. SMOOT. Ten cents a pound?

Mr. BARKLEY. Ten cents a pound, instead of 40.

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

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. BARKLEY. Mr. President, while I was looking at the item on page 77, I understand the Senate agreed to the amendment in lines 13 to 19 on page 76.

The PRESIDING OFFICER. The Senate did agree to that amendment.

Mr. BARKLEY. I desire to inquire of the Senator from Utah whether that does not involve a considerable increase on nails and spikes.

Mr. SMOOT. The rate on upholstery nails was increased from 20 per cent to 40 per cent. The rate on chair glides was not increased. The rate in the present law is 40 per cent, and it is made 40 per cent. The rate on thumb tacks and drawing pins is 0.6 of a cent per pound. That is equal to 4.6 per cent ad valorem, and the House increased that to 23 per cent ad valorem, and the Senate committee increased it to 40 per cent ad valorem.

Mr. BARKLEY. In the new language there we find grouped a lot of articles that are similar in nature, so as to provide large increases on some of them, leaving some of them at the rates in the present law, so that it is difficult to determine the net result. I am not convinced that there should be this enormous increase up to 40 per cent on these upholstery nails. They are of course an article universally used in the manufacture of furniture and the repair of furniture. I can not see where there is any justification for that increase.

I ask for a reconsideration of the vote by which that amendment was agreed to.

The PRESIDING OFFICER. The question is on agreeing to the request of the Senator from Kentucky.

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

The PRESIDING OFFICER. The clerk will call the roll.

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

| | | | |
|-----------|--------------|----------------|---------------|
| Barkley | Goldsborough | Norbeck | Stephens |
| Borah | Hale | Norris | Swanson |
| Bratton | Harris | Oddie | Thomas, Idaho |
| Brock | Harrison | Overman | Thomas, Okla. |
| Brookhart | Hatfield | Patterson | Townsend |
| Broussard | Hebert | Phipps | Trammell |
| Capper | Heflin | Ransdell | Tydings |
| Connally | Howell | Reed | Vandenberg |
| Copeland | Johnson | Robinson, Ind. | Wagner |
| Couzens | Jones | Sackett | Walcott |
| Deneen | Kean | Sheppard | Walsh, Mont. |
| Dill | Kendrick | Shortridge | Waterman |
| Fletcher | Keyes | Simmons | Wheeler |
| Frazier | La Follette | Smoot | |
| George | McKellar | Steck | |
| Glass | McNary | Steiwer | |

The PRESIDING OFFICER. Sixty-one Senators having answered to their names, a quorum is present. The question is on the motion of the Senator from Kentucky [Mr. BARKLEY] to reconsider the vote by which the amendment of the committee, on page 76, line 13, was agreed to.

The motion to reconsider was agreed to.

The PRESIDING OFFICER. The question recurs on agreeing to the amendment of the committee on page 76, line 13, which will be stated.

The LEGISLATIVE CLERK. On page 76, paragraph 331, in line 13, the committee proposes to strike out the following:

Upholsterers' nails, chair glides, and thumb tacks of two or more pieces of iron or steel, finished or unfinished, 3 cents per pound.

And to insert:

Upholstery nails, chair glides, thumb tacks, and drawing pins with heads assembled to shanks, whether finished or unfinished, made wholly or in part of iron or steel or other base metal, 40 per cent ad valorem.

Mr. BARKLEY. Mr. President, I simply wish to state that the amendment involves an increase above the House rate of 23 per cent to the rate proposed by the Senate Finance Committee of 40 per cent, and it ought not to be agreed to.

Mr. SIMMONS. Mr. President, will the Senator explain the amendment so that we may know what it is about?

Mr. BARKLEY. It involves cut nails and cut spikes, upholstery nails, chair glides, thumb tacks, and so forth, which are all mentioned in an amendment, some of which bear a specific rate, some of which are increased by the House, and some of which are left by the House as the present law provides; but taken as a whole and on the average the House provision is equal to 23 per cent ad valorem duty and the Senate committee has raised it to 40 per cent. We want to defeat the amendment raising the rate to 40 per cent ad valorem.

The PRESIDING OFFICER. The question is on agreeing to the amendment on page 76, line 13.

The amendment was rejected.

The PRESIDING OFFICER. The next amendment passed over will be stated.

The LEGISLATIVE CLERK. The next amendment passed over is on page 83, line 10, where the committee proposes to strike out "40 per cent" and insert in lieu thereof "30 per cent," so as to read:

All the foregoing, and parts thereof, finished or unfinished, wholly or in chief value of metal, and not specially provided for, 30 per cent ad valorem.

Mr. BARKLEY. That amendment was passed over with the paragraphs relating to clocks and watches.

Mr. SMOOT. Yes; it was passed over to be considered at the same time other amendments relating to clocks and watches are considered.

The PRESIDING OFFICER. The amendment will be passed over and the clerk will state the next amendment passed over.

The LEGISLATIVE CLERK. On page 106, line 13, the committee proposes to strike out "40 per cent" and insert in lieu thereof "35 per cent," so as to read:

All other textile machinery, finished or unfinished, not specially provided for, 35 per cent ad valorem.

Mr. SMOOT. Mr. President, the Senator from New Hampshire [Mr. Moses] and the Senator from Connecticut [Mr. Bingham] asked that the amendment should be passed over. I ask now that the amendment be agreed to with the distinct understanding that if the Senator from New Hampshire or the Senator from Connecticut on to-morrow desire to bring it up again and have the action reconsidered, they shall have that privilege.

Mr. BARKLEY. I have no objection.

The PRESIDING OFFICER. The question is on agreeing to the amendment on page 106, line 13.

The amendment was agreed to.

Mr. FLETCHER. Mr. President, I desire to call attention to paragraph 364, relating to bells. I was out of the Chamber when that paragraph was reached and apparently the amendment was agreed to. It relates to bells, except church bells and carillons, and fixes a duty of 70 per cent ad valorem. I think that is an exorbitant duty. I do not feel that the amendment should have been agreed to. The present duty is 40 per cent and it is raised on bells of all kinds, except church bells and carillons, to 70 per cent.

Mr. SMOOT. The Senator can reserve the right to have a vote on it in the Senate.

Mr. FLETCHER. I shall do that. I will not ask reconsideration of it at the present time.

Mr. BARKLEY. Mr. President, I will state to the Senator from Florida that the other day when that item came up the Senator from Utah [Mr. Smoot] and I were conferring about some other matter, and it went through without any discussion. I think a request to reconsider it when we get into the Senate will not be objected to.

Mr. FLETCHER. I shall reserve that right and expect to raise the question at that time, because I think the duty is too high.

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

The LEGISLATIVE CLERK. On page 108, line 3, paragraph 376, the committee proposes to strike out the following:

PAR. 376. Antimony, as regulus or metal, 2 cents per pound; needle or liquated antimony, one-fourth of 1 cent per pound.

And to insert:

PAR. 376. (a) Antimony, as regulus or metal, of whatever grade, shall be subject to duty as follows:

Four cents per pound, if the price is not over 7 cents per pound;

Three and one-half cents per pound, if the price is over 7 cents and not over 8 cents per pound;

Three cents per pound, if the price is over 8 cents and not over 9 cents per pound;

Two and one-half cents per pound, if the price is over 9 cents and not over 10 cents per pound;

Two cents per pound, if the price is over 10 cents and not over 11 cents per pound;

One and one-half cents per pound, if the price is over 11 cents and not over 12 cents per pound;

One cent per pound, if the price is over 12 cents and not over 13 cents per pound;

One-half cent per pound, if the price is over 13 cents and not over 14 cents per pound;

If the price is over 14 cents per pound such antimony shall be exempt from duty.

(b) For the purposes of subparagraph (a) "price" means the wholesale price (averaged for a period of one week) of ordinary brands (whether domestic or imported) in the New York market as shown by the last quotation (given in a recognized weekly trade journal to be designated from time to time by the Secretary of the Treasury) prior to the date of arrival of the imported antimony in the United States.

(c) Needle or liquated antimony, one-fourth of 1 cent per pound.

Mr. CONNALLY. Mr. President, there is on the clerk's desk an amendment which I have offered.

Mr. SMOOT. Is it an amendment to the committee amendment?

Mr. CONNALLY. It is to strike out the committee amendment and insert.

Mr. COUZENS. Let the Senator's amendment be reported.

The PRESIDING OFFICER. The clerk will report the amendment of the Senator from Texas to the amendment of the committee.

The CHIEF CLERK. The Senator from Texas offers the following amendment:

On page 108, in the matter proposed to be inserted by the committee amendment, strike out lines 6 to 25, inclusive, and insert:

PAR. 376. (a) Antimony, as regulus or metal, of whatever grade, and the antimony content of all alloys containing lead and more than 1 per cent of antimony (whether or not dutiable under par. 393), shall be subject to duty as follows:

Four cents per pound if the price is not over 10½ cents per pound.

An amount equal to the difference between the price and 14½ cents if the price is over 10½ cents and less than 14½ cents per pound.

If the price is 14½ cents per pound or over, such antimony shall be exempt from duty.

The PRESIDING OFFICER. The question is upon the amendment offered by the Senator from Texas to the amendment proposed by the committee.

Mr. CONNALLY. Mr. President, this is an amendment offered to change the application of the sliding scale as proposed by the Committee on Finance to paragraph 376. If agreed to, it would not change the basic rate of duty as provided by the committee, but would change the points at which the sliding scale would operate.

Mr. SMOOT. As I understood from the reading of the Senator's amendment at the desk, it proposes an increase over the rates provided by the committee. I have not seen a copy of the amendment, however.

Mr. CONNALLY. I will say to the Senator that the maximum rate as carried in the amendment is the same as that reported by the Committee on Finance, being 4 cents.

Mr. SMOOT. Yes; but the lower rates are proposed to be greatly increased by the Senator's amendment.

Mr. CONNALLY. The effect of the amendment, of course, if agreed to, will be to increase the effective rates as reported by the committee.

Mr. SMOOT. That is as I understood from the reading of the amendment.

Mr. CONNALLY. That is correct.

Mr. President, the industry of producing antimony is not one which is going out of business unless the amendment which I have offered shall be adopted, for it is already out of business. The United States produces no antimony. It does produce antimonial lead. Prior to the World War we did have an antimony smelting business in the United States. I understand there were about five such plants, some of which were in New Jersey, but I do not know the locations of the others. However, on account of the low price prevailing before and during the World War my information is that those smelting plants went out of business.

The act of 1913 carried an ad valorem rate of 10 per cent. In 1922 a flat 2-cent specific duty was provided on antimony, as regulus or metal. The purpose of that duty, of course, was to stimulate smelting in the United States, for the ore is on the free list. If that were the purpose of the act of 1922, it has miserably failed, because it has not created a smelting business in the United States but has simply compelled the consumers of antimony to pay 2 cents per pound more for their metal. It seems to me that if the purpose is to stimulate local production the duty ought to be fixed at a rate which will accomplish that purpose, or it ought to be entirely removed if we are to follow the protective theory. Of course, it is a revenue producer, but that is not the principle that is running through the pending bill.

China produces the overwhelming mass of antimony which is produced in the world. Of course, China's costs of production are cheap. I can not argue that. China stands out among the other nations of the world as being a country of cheap production.

During the period from 1923 to 1928 the price of antimony averaged 12½ cents per pound duty paid in the United States. The sliding scale provided by the Finance Committee would allow a duty of only 1 cent on an average price of 12½ cents duty paid at New York. If Senators will read subsection (b) of paragraph 376 they will see that it fixes the price at New York duty paid. If subparagraph (b) provided for the foreign valuation, the rates carried in the bill would be sufficient, but, in order to arrive at the valuation under subparagraph (b), the rate of duty must be subtracted from the price as fixed by that subparagraph.

My interest in this measure primarily is because of the fact that antimony is now produced in Mexico, and it is proposed, in the event a satisfactory duty shall be secured, to establish a

smelting plant along the Mexican border, presumably in my State. It is immaterial whether it shall be located in Texas, Arizona, or New Mexico, but, since there is no domestic production, few have been directly interested in presenting the matter to the Senate. I believe it is one which is worthy of the consideration if our purpose is to provide a domestic smelting industry.

I hold in my hand a publication, being Bulletin No. 624, Department of Commerce, Bureau of Foreign and Domestic Commerce, dealing with the subject of the marketing of antimony.

This pamphlet sets forth the price history and uses of this metal as well as the fact that China dominates the world market. There has been a movement in China to control this market through the organization of cartels. As a result there have been violent price fluctuations. In 1926 the average price was 15.9 cents, and over the period 1923 to 1928 the price ranged as high as 25 cents per pound.

Under the amendment which I have offered there would be no duty whatever on antimony metal when the delivered price duty paid in New York was 14½ cents. That duty would rise as the price declined until it reached 10½ cents, at which point there would be a flat duty of 4 cents a pound.

It has been estimated by those interested in this matter that the differential between the cost of production in the United States and China is 4 cents. It has been suggested that in the United States antimony can be smelted at 9.7 cents per pound, whereas in China it can be profitably smelted at 5.7 cents per pound. So in order to avoid the violent fluctuations of price and yet fix a differential at which the American industry can compete with China, it has been proposed to submit this sliding scale in substitution for the sliding scale of the committee.

The committee seems to have realized the evil of wide fluctuations, because it has adopted in this particular paragraph the theory of a sliding scale. Those who are interested in this matter are somewhat indifferent as to whether a sliding scale is adopted or a flat 4-cent specific duty is provided; but since the committee has adopted the sliding-scale theory, I offer this amendment as carrying out their idea.

At 12½ cents per pound the average for the past six years, the duty will be only 2 cents per pound. The present duty is 2 cents per pound. So it is submitted that in its entirety this rate will be only slightly more burdensome than the present duty, whereas its adoption will afford an opportunity for the development in the United States of the smelting business through the use of ores from Mexico and probably from South American countries. I submit the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Texas to the amendment reported by the committee.

Mr. COPELAND. Mr. President, I wish to ask the Senator from Texas what was done about antimony oxide in paragraph 8? The appeal which I get with reference to this matter is that if there is an increase of duty on the metal there should be an increased duty on the oxide.

Mr. CONNALLY. I will say to the Senator that the oxide has been placed on the same basis as the metal. An amendment was offered providing that oxide should carry the same rate as the antimony regulus or metal.

Mr. COPELAND. Mr. President, I am much impressed by what the Senator from Texas has said. If there is a prospect of developing in his State an antimony smelting industry of course we want to assist; but I have communications from various concerns in my State which make batteries and which are very much agitated about the idea of an increase in the duty. They now are importing this commodity. One firm says it brought in 250 tons from China last year and that if the rate of duty on this mineral shall be increased it will materially increase the cost of batteries.

I think the Senator from Texas ought to make answer to that suggestion, if there is an answer. If this amendment means that the cost of antimony is going to be materially increased by the tariff, what effect is it going to have upon the making of batteries which are now used in every home and by practically every individual in the United States?

Mr. REED. Mr. President—

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

Mr. COPELAND. I yield.

Mr. REED. I thought the Senator had finished.

Mr. COPELAND. I was hoping that the Senator from Texas would first answer my question.

Mr. REED. Will the Senator yield for a question?

Mr. COPELAND. Yes.

Mr. REED. The Senator stated that the imports of antimony from China were something like 250 or 300 tons. As a matter of fact—

Mr. CONNALLY. Who made that statement?

Mr. REED. I understood the Senator from New York to have made it.

Mr. COPELAND. I said that my correspondent made the statement that his firm had imported that quantity.

Mr. REED. As a matter of fact the imports of antimony from China last year was 7,278 tons.

Mr. COPELAND. One firm, I may say to the Senator, the Nassau Smelting & Refining Works, states in its letter that it purchased 250 tons during 1928.

Mr. REED. Mr. President, I do not think that the amendment recommended by the committee can be complained of on the score that it raises the duty. It was not the intention of the committee to do that, but we found a peculiar problem with respect to antimony that I think may justify a word of explanation.

Most of the antimony of the world comes from China and, of course, is produced there at a very low cost; but the trouble is not so much the low cost of production as the way in which the price is juggled by the Chinese. Every time there is a disturbance in China, of course that interferes with the regularity of the flow of the metal to the rest of the world. Every time the demand for antimony rises a little bit in other countries, that is taken advantage of by the Chinese who control the output of antimony, and they put up their prices scandalously. The price of antimony in the last 15 years in the United States has fluctuated all the way from 4½ cents up to 45 cents a pound. There is no corresponding fluctuation that I know of in the whole list of metals which we are compelled to use. It is necessary to have antimony for use in type metal, in storage batteries, and in the alloy that goes into the bullets that are put in shrapnel, for example. It also has quite a number of other uses.

We do not produce any pure antimony in the United States. We recover some in the form of antimonic lead and some from scrap, but our total production only runs about half the amount we need each year. What the committee wants to do, if it can, is to protect the people of the United States against these excessive fluctuations. If antimony is selling down at 4½ cents per pound, as it did here a few years ago, obviously nobody in the United States can produce it, either in the form of antimonic lead or otherwise, at anything like that cost, and a large duty is deserved. That is why we put the high duty of 4 cents a pound on antimony selling at less than 7 cents in New York; but when the price rises to anything like 44 cents, as it has done—

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

The PRESIDING OFFICER. Does the Senator from Pennsylvania yield to the Senator from Texas?

Mr. REED. Yes.

Mr. CONNALLY. Does the Senator realize that the New York price of 7 cents includes the duty?

Mr. REED. Of course.

Mr. CONNALLY. And that, as a matter of fact, the real price at foreign value is much less?

Mr. REED. Actually, in 1921, the New York price, including duty, was 4.13 cents. That is f. o. b. New York. Chinese antimony in June, 1922, was quoted at 4.13 cents; and, when it is so quoted, the Chinaman is only getting something less than 2 cents for his metal. It is utterly impossible for us to compete here, and a high duty is deserved. When the price gets up to 45 cents, however, the Chinese antimony is selling at four times what it costs to produce American antimony. There is no warrant whatsoever for any duty under those circumstances.

Under the law of 1922 the duty was a flat 2 cents. It was not enough when the price was low. It was entirely unnecessary when the price was high. If Chinese antimony gets up above 15 cents, nobody in the United States needs any protection; but when Chinese antimony gets down to 4 cents, the protection is very much needed.

Let me give some of the typical changes in price. It was during the war time that the price got up to 45 cents, and of course the low point came in 1922, as I have said; but then, after things were stabilized, look at these contrasts, for example:

In July, 1924, Chinese antimony was selling in New York at 8.47 cents a pound. By the following February, a little over six months later, it had jumped to 19½ cents. In other words, from less than 8½ cents it had gone to almost 20 cents. You can not conduct business in reliance on any such market as that.

Mr. SWANSON. Mr. President, will the Senator explain the difference between his contention and that of the Senator from Texas, so that we can understand the specific differences in the two propositions?

Mr. REED. That is just what I am coming to.

The committee takes 10 cents as a reasonable price, and continues the present duty at 2 cents when the price is at 10 cents. That is about the price at the present moment, I am told. It was the price on the first of this year. I do not know what the fluctuation may have been in the last few weeks; but it is about the present-day price, and we continue the present duty on it. The Senator from Texas would double the present duty at the present price, and put on a 4-cent duty. His sliding scale is based on the assumption that 14½ cents a pound is the normal price, and his sliding scale would have the effect of pegging the price at 14½ cents.

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

Mr. REED. Just a minute. The reason why I say that is that he puts on a duty of 4 cents when the price is anything less than 10½ cents; and after the price gets over 10½ cents, then, according to his amendment, the duty is equal to the difference between 10½ and 14½ cents. Is not that correct?

Mr. CONNALLY. I should like to say to the Senator that he is in error. I thought that would be the effect of it when I first examined the matter; but now, when the price in New York is 10½ cents, that means that the antimony is coming in at 6½ cents. Four cents of that is duty. When antimony is selling at 12½ cents in New York, it would then bear the difference between 12½ and 14½, which would be 2 cents duty.

Mr. REED. Of course; and the prices in the committee's amendment include duty, too.

Mr. CONNALLY. I understand.

Mr. REED. At 10 cents, we put on a duty of 2 cents.

Mr. CONNALLY. But the Senator is in error in saying that it pegs the price at 15 cents.

Mr. REED. That is an expression of opinion, and I think that will be the effect.

Mr. CONNALLY. I thought so, too, at first, when I glanced at it. When antimony is selling in New York at 10½ cents, it bears 4 cents duty. That means that the foreign antimony is selling at 6½ cents, and comes into the market and pays the 4-cent duty, which makes it 10½; and that does not peg it at 15 cents. It does not peg it at any price. The rate that the committee has fixed, at the price of 12½ cents, is a tariff of only 1 cent a pound.

Mr. REED. That is right.

Mr. CONNALLY. And the average price of antimony for the past six years has been around 12½ cents. It has been bearing a duty of 2 cents on that sort of a basis; and the committee's proposal will be actually a reduction in the effective rate as carried in existing law.

Mr. REED. Is not this, in substance, the effect—that the amendment offered by the Senator from Texas will double the duty proposed by the committee?

Mr. CONNALLY. No, sir. I will say to the Senator that if he will figure it out, which I have done at some length, he will find that the average of rates provided in my amendment will fix the duty at 2¼ cents, as against 2 cents flat now provided by law.

Mr. REED. And as against 1 cent flat provided by the committee.

Mr. CONNALLY. Yes.

Mr. REED. Is that right?

Mr. CONNALLY. That is right. No, Mr. President—

Mr. REED. Wait a minute. Then the Senator would put on a duty of 2¼ cents at what he says is the average price for antimony, whereas the committee amendment would put on a duty of 1 cent.

Mr. CONNALLY. That is right; and the reason why I say it will reduce the price is because during the past six years, with an average price of 12½ cents, it has borne a 2-cent flat duty; and if the committee now fixes that average at 1 cent, it is perfectly apparent that the action of the committee is a reduction of the protection carried in existing law.

Mr. REED. The committee is advised by the Tariff Commission that the effect of these rates as applied to monthly and total imports in 1928 is to raise the average rate from 2 cents to 2½ cents. That is what the Tariff Commission says will be the effect of our amendment. If that is true of our amendment, the effect of the amendment offered by the Senator from Texas will be to double that, or to make it about 4 cents.

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

Mr. REED. I yield the floor.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mr. CONNALLY. Mr. President, I desire to inquire of the Senator from Pennsylvania if he thinks it is quite fair arbitrarily to take 1928 prices when, as a matter of fact, by his own statement, prices have varied and fluctuations have varied over a great range during the past six to seven years?

Mr. REED. Oh, that is true. I said a while ago that there is no metal in the whole list of which the prices fluctuate so wildly as they do with antimony; and that is why we thought a sliding scale was indicated. It is necessary. I see that the Senator's amendment provides for one, too. The only question between us is, What is a reasonable duty to put on? I say that when the price of antimony gets up around 12½ and 13 cents, the necessity for protection disappears.

Mr. CONNALLY. My amendment provides that it goes off at 14½ cents.

Mr. REED. It provides that it goes off at 14½ cents, just as ours provides that it goes off at 14 cents; but I think the Senator provides too much duty around the medium range, the middle ground.

Mr. CONNALLY. Just a word, and I am through.

I want to suggest, in reply to the Senator from Pennsylvania, that it seems to me that it is unfair to take the prices for 1928 alone and use those prices as a basis for fixing the rates. Why would it not be much fairer to take all of the years since 1922, when the present rate became effective, and average those years?

The Senator himself has already suggested that because of the manipulation in China, because of artificial influences, these fluctuations take place. May it not be possible that on account of those influences the prices in 1928 were artificially affected? Would it not be fairer to take the prices from 1923 to 1928, which have averaged about 12½ cents? On the basis of that average the duties provided in my amendment average 2¼ cents, as against 2 cents provided by the existing law.

Mr. REED. Does the Senator think that is fair? If you take the last five years, it is true that the prices average around 12½ cents; but if you take the previous five years there was not one instant of the whole five years when the price got up as high as 10 cents. The average would be about 7 cents.

Mr. CONNALLY. One of the reasons for that was because of the change of duty in 1922. Prior to 1922 there was a duty of only 10 per cent ad valorem. I take the years 1923 to 1928 because they are illustrative of the present act and its operation.

Why did they put on 2 cents in 1923? Why, they put on an additional tariff in 1923 because they professed to want to stimulate a smelting industry in the United States. Otherwise, there is no excuse for charging the consumer 2 cents a pound additional. Has it done it? There has not been started a single smelting plant under the 2-cent rate. Now the committee proposes, by the adoption of this sliding scale, to reduce the effective rate as carried in existing law. So far as I am concerned, I prefer the flat 2-cent rate, speaking from the standpoint of those who are interested in antimony, rather than a sliding scale that slides the wrong way.

Mr. President, in answer to the Senator from New York [Mr. COPELAND], of course if the producers of antimony get more money for their antimony the consumer is going to pay some slight increase. I am not one of those who try to make people believe that you can give the producer more and charge the consumer less. We all know that that is buncombe. Of course, it will cost slightly more; but I believe that the increased advantage to the consumer from a stabilization of the price which he will receive, by insuring protection against violent fluctuations, the protection which he will secure by providing here at home an industry which can compete with the Chinese industry and thereby prevent the artificial manipulations of the market suggested by the Senator from Pennsylvania by Chinese cartels, will more than offset whatever incidental additional expense it will cause at times, now and then.

Mr. President, I submit this further suggestion: I hold in my hand the volume of metal statistics as to the violent fluctuations in the prices of antimony.

In 1911 it sold at 9.12 cents.

In 1915 it went as high as 40 cents a pound.

In 1916 it sold as high as 45 cents a pound.

In 1917 it sold as high as 36 cents a pound.

Those were not averages for those years. Those were the high points. In 1917, for instance, it varied from 36 cents to 20 cents, showing an artificial stimulation. But since 1923, the date upon which the present tariff law went into effect, the average price in New York, duty paid, has been about 12½ cents. The effect of my amendment is to undertake to stabilize the price around 11.7 cents, which would be approximately 12 cents. On that basis the tariff will be about 2 cents a pound on the average instead of 2 cents flat as provided by existing law.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Texas [Mr. CONNALLY] to the amendment proposed by the committee found on page 108, paragraph 376.

The amendment to the amendment was rejected.

Mr. BARKLEY. Mr. President, I do not care to take the Senate's time on this item, but it seems to me that the situation ought to be submitted to the Senate for its consideration and that the Senate should be given a little information in addition to what has already been stated by the Senator from Pennsylvania.

The present duty on this article is 2 cents straight per pound. We produce none of it in the United States, although we recover a portion of antimony from antimony lead. But even with that we are unable to produce more than one-twelfth of our demand, so that we have to bring in the rest of it from foreign countries.

Mr. REED. Mr. President, if the Senator will permit an interruption, we produce about half of what we need.

Mr. CONNALLY. About 40 per cent.

Mr. SMOOT. Between 40 and 50 per cent.

Mr. CONNALLY. The Tariff Commission says we produce about 40 per cent of antimony lead.

Mr. SMOOT. Does the Senator from Kentucky ask that the amendment go over?

Mr. BARKLEY. No; I am not asking that it go over. But inasmuch as we are unable to produce antimony from the antimony ore, and can only recover it from lead ores or antimonic lead, and inasmuch as we are not smelting any of this antimony now in the United States, and have not for a number of years, and inasmuch as this increase is asked because of the desire of somebody to begin smelting in the future, not from American ores but, as I understand it, from Mexican ores which they desire to import into the United States, the question arises whether we are going to fix a tariff so as to allow some American smelter to import this ore from Mexico rather than from China. The ore is being imported, as I understand it, from Mexico and is being smelted in the United States. Am I correct about that?

Mr. REED. I believe that is so.

Mr. BARKLEY. Under this sliding-scale arrangement, you are penalizing the American people in proportion to the drop in the price of the imported article. Inasmuch as there are at present no American ores that compete with the antimony that comes from China, which is almost 95 per cent pure, the question that confronts me is whether we are justified in fixing a 4-cent rate on this metal based upon a low price which the American people may enjoy on account of the fall in the price of the imported article which does not come in competition with any natural antimony produced in the United States; and, also, whether we are justified in taking the weekly price list as quoted in some New York trade journal as a basis for fixing a tariff rate on this article.

I am not convinced myself that this amendment ought to be agreed to.

Mr. SMOOT. Does the Senator desire to have it go over?

Mr. REED. Mr. President, I think the Senator realizes that our intentions were perfectly all right in trying to take the duty off when the price got up beyond the needed protection, and that the only time we want a duty is when the price is low and the domestic production needs protection. May I suggest this, that we let the amendment go in now and give the Senator time to study it further, and if he decides he wants it rejected, let him, when amendments come from the floor, or when the bill is in the Senate, then move to change it.

Mr. BARKLEY. There is a part of the amendment to which I agree—that is, the part where the present duty on liquidated antimony is restored.

Mr. SMOOT. I am quite sure that other Senators would like to be heard on this matter. I think the best thing to do is to agree to the suggestion offered by the Senator from Pennsylvania, and the Senator can bring the matter up at any time, either while the bill is in Committee of the Whole, or in the Senate.

Mr. BARKLEY. I have no objection under those circumstances.

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

The amendment was agreed to.

SPECULATIVE TRANSACTIONS IN COTTON

Mr. HEFLIN. Mr. President, in accordance with the suggestion of the Senator from Washington, I have made certain changes in my resolution, and upon the suggestion of the Senator from Louisiana [Mr. RANSDALL], I have added the words "bought and" in the clause "where cotton is sold." I have stricken out one of the whereases on page 4, the second one from the top, and I send the resolving part to the desk and ask to have it read.

Mr. JONES. Mr. President, if the Senator will permit me, I desire to say that the senior Senator from Louisiana [Mr. RANSDALL] asked me to request that the resolution go over if

it came up when he was out, or that he would prefer to have it go to the Committee on Agriculture and Forestry.

Mr. HEFLIN. Mr. President, I have talked with that Senator. I have made these amendments in accordance with his suggestion, and he now has no objection to the resolution as it stands.

Mr. JONES. If that is understood with the Senator from Louisiana [Mr. RANSDALL], I have no objection.

The PRESIDING OFFICER. What is the request of the Senator from Alabama?

Mr. HEFLIN. I want the resolving part of the resolution reported to the Senate, and I want immediate action on the resolution as amended.

Mr. JONES. Let us have it read.

The PRESIDING OFFICER. Does the Senator from Alabama make request for present consideration?

Mr. HEFLIN. I do.

The PRESIDING OFFICER. The clerk will report the resolution.

The legislative clerk read the resolution as modified.

Mr. SMOOT. Mr. President, the resolution will have to go to the Committee to Audit and Control the Contingent Expenses of the Senate under the law. We can not give consent to it as it stands.

Mr. HEFLIN. Would not unanimous consent do away with the necessity for that reference?

Mr. SMOOT. No; it is the law, and that can not be waived by unanimous consent. The law provides that a resolution in that form must go to the Committee to Audit and Control the Contingent Expenses of the Senate. I want the Senator to know that I do not bring this up because I object, but it is the law; it will have to go to that committee.

Mr. HEFLIN. If that is the fact, I do not want to weaken the resolution by having it passed in a way that would not be proper under the law.

Mr. SMOOT. I am sure the Chair will uphold me in my statement of the law.

The PRESIDING OFFICER. The present occupant of the Chair is advised that there have been instances where the Senate has by unanimous consent waived that requirement, but the Chair will hold that it is necessary under the law to send the resolution to the Committee to Audit and Control the Contingent Expenses of the Senate. If the resolution is reported from that committee, then request could be made for its immediate consideration.

Mr. HEFLIN. Mr. President, I ask that the resolution be immediately referred to the Committee to Audit and Control the Contingent Expenses of the Senate.

The PRESIDING OFFICER. Without objection, the resolution is so referred.

Mr. COPELAND. Mr. President, I want to ask a question of the Senator from Alabama. Is the resolution at all like the one which was pending last year, introduced by Senator Mayfield, of Texas? Does it cover cottonseed oil?

Mr. HEFLIN. I have already secured the adoption of a resolution to investigate cottonseed-oil mills.

Mr. SMOOT. The resolution has been referred to the committee.

Mr. HEFLIN's resolution (S. Res. 152), as modified, was referred to the Committee to Audit and Control the Contingent Expenses of the Senate, as follows:

Whereas the Government report shows that the average price paid for American cotton for the last 10 years has been above 21 cents a pound; and

Whereas the world cotton crop in 1928 was 23,000,000 bales and the world consumption of cotton for the same year up to August, 1929, was 25,000,000 bales, showing that the consumption of cotton was running far ahead of cotton production; and

Whereas complaint is being made by cotton farmers, merchants, and bankers in the cotton-growing States and by people in other sections of the country interested in cotton that something is wrong with the cotton market and that the price is being depressed and fixed by purely speculative forces, and that cotton is selling not only at unprofitable prices but below the cost of production, to the great hurt and injury of the cotton producers of the United States; and

Whereas the price paid each day for cotton in the towns and cities and in all the places where cotton is bought and sold in the cotton-growing States is the price that is fixed on the cotton exchange where speculation in "cotton futures" and not where the sale and delivery of actual cotton fixes the price under the law of supply and demand; and

Whereas the advocates of a speculative cotton exchange where unlimited quantities of cotton futures can be bought and sold have contended that such an institution would positively and accurately reflect the price of actual cotton justified by the law of supply and demand; and

Whereas the advocates of such speculative cotton exchanges have claimed that they are not and can not be manipulated or controlled by influences other than those natural influences produced by the law of supply and demand; and

Whereas Government officials of the United States, the Federal Farm Board, whose duty it is to know what amount of American cotton is produced, exported, and consumed annually at home and abroad and the amount of the carry-over of American cotton at the end of each cotton season, have recently declared in a public statement, in view of the increased consumption of and the increased demand for American cotton and cotton goods, the decreased number of bales in the carry-over of American cotton for the previous year, and the production of a cotton crop this year not large enough to supply the world's demand for American cotton, that the price of cotton is too low and that the cotton farmer is entitled under the law of supply and demand to receive a higher price; and

Whereas in recent weeks the cotton exchanges where cotton prices have been unstable and fluctuation in the price of cotton has been the order of the day, the daily press reports on cotton prices have told us that the break in the price and the losses sustained by the cotton producers were caused not by the law of supply and demand in the cotton-producing and cotton-consuming world but by conditions that existed on a stock exchange in New York City; and

Whereas the cotton exchanges have publicly admitted in their reports, each day for several days, that the depression of cotton prices and the loss to cotton farmers were caused by what took place on another kind of exchange, the stock exchange in New York City; and

Whereas the cotton exchanges have in their daily reports practically admitted their inability to resist the influences of speculation on the stock exchange and in spite of it to reflect and register prices for cotton that are justified by the law of supply and demand; and

Whereas there is no way of telling just how long this "speculative spree" now going on in the New York Stock Exchange will continue to the great financial injury of the cotton producers of the United States; and

Whereas American cotton producers are now in the midst of the cotton-selling season, and in order that they may market their cotton to the best advantage so as to receive prices that will yield them a fair profit it is necessary that every influence and agency that is being used to hamper and depress the price of cotton be immediately suppressed; and

Whereas the Federal Farm Board has declared that the present price of cotton is low and unprofitable and that all the facts in the cotton trade demand and justify higher prices for American cotton; and

Whereas the cotton exchanges' daily reports show that it is not the law of supply and demand that fixes the price of cotton on the cotton exchange, but that it is done by manipulation and by speculation in stocks on the stock exchange; and

Whereas in order to give the Federal Farm Board a fair chance and a free hand in preventing fluctuation and in stabilizing cotton prices immediately for the purpose of enabling the cotton farmers of the United States in the daily sales of their cotton to obtain a price that will yield them a profit: Therefore be it

Resolved, That the Committee on Agriculture and Forestry or a subcommittee thereof is hereby authorized and directed to immediately investigate all the matters set out in the preamble of this resolution and investigate the activities and speculative transactions of the New York, New Orleans, and Chicago Cotton Exchanges, and other interests engaged in any way in the cotton business, and report its findings to the Senate on or before December 10, 1929; and said committee is hereby directed to make any recommendations in its report to the Senate in December that it feels would be helpful in correcting the conditions complained of and in obtaining for the cotton producers of the United States profitable prices for their cotton.

Said committee is authorized to send for or subpoena persons, books, and papers, to administer oaths, and to employ a stenographer at a cost not exceeding 25 cents per 100 words to report such hearings, the expenses of said investigation to be paid out of the contingent fund of the Senate and not to exceed \$10,000.

REVISION OF THE TARIFF

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 2867) to provide revenue, to regulate commerce with foreign countries, to encourage the industries of the United States, to protect American labor, and for other purposes.

Mr. TYDINGS. Mr. President, as I understand it, paragraph 385 will be called up Tuesday morning. Is that correct?

Mr. SMOOT. That is about the only amendment we have left in this schedule to consider, and, at the request of the Senator from Maryland, I will be compelled to ask that it go over until to-morrow morning. That being the case, unless we should go back to the chemical schedule, which we ought to do just as soon as the amendments to this schedule are completed—and I understand the Senator from Connecticut [Mr. BINGHAM], who has those amendments in charge, will be here to-morrow—it does seem to me that there is nothing more that can be done to-day.

Therefore I move that the Senate take a recess, the recess being, under the previous order, until 10 o'clock to-morrow.

The motion was agreed to; and the Senate (at 12 o'clock and 55 minutes p. m.), under the order previously entered, took a recess until to-morrow, Tuesday, November 12, 1929, at 10 o'clock a. m.

HOUSE OF REPRESENTATIVES

MONDAY, November 11, 1929

The House met at 12 o'clock noon and was called to order by the Speaker.

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

O God, bless our country with all its time-honored institutions. Establish all our national agencies in truth, in justice, in purity, and in fidelity. May every citizen pursue his own work that makes for peace and not the things that make for division. Bless all efforts which are made to educate our people in Christian idealism. O may they go forth to teach and to be taught. In all hearts stimulate the word of the Master and forbid that they should rest in the outer courts of His wonderful teaching. To such who have been spared, to such who have been delivered from great affliction, to such who have been blest with the tidings of great mercies—to all such, our Heavenly Father, give grateful hearts. To-day the door of the past is open and we hear the shrieks of war's toll and unspeakable tragedy. O God of wisdom, bless us with Thy eternal truth that is still struggling with the darkness—that war is un-Christian. Come Thou to all lands. May ignorance and superstition and false ambitions flee away and may all nations come to their liberty, peace, and brotherhood, and let the whole earth be regenerated through Him who is the wonderful Counselor, the mighty God, the everlasting Father, and the Prince of Peace. Amen.

The Journal of the proceedings of Thursday, November 7, 1929, was read and approved.

SWEARING IN OF MEMBERS

Mr. LANKFORD. Mr. Speaker, Hon. ROBERT RAMSPECK, the newly elected Representative from the fifth district of Georgia, is present and desires to take the oath. His credentials are in the proper form.

Mr. CLAGUE. The gentleman from Minnesota, Mr. PAUL J. KVALE, is also here ready to take the oath.

Mr. RAMSPECK and Mr. KVALE appeared before the Speaker's rostrum and took the oath of office.

MESSAGE FROM THE PRESIDENT—CLAIM OF CHARLES J. HARRAH

The SPEAKER laid before the House the following message from the President of the United States, which was read and, with the accompanying papers, referred to the Committee on Foreign Affairs:

To the Congress of the United States:

I inclose herewith a report which the Secretary of State has addressed to me in regard to the claim of Charles J. Harrah, an American citizen, against the Government of Cuba, growing out of the destruction in 1917, by authority of the Cuban Government, of a railroad built and operated by him in the Province of Habana.

It will be noted that an agreement has been concluded with the Government of Cuba in accordance with which the claim of Mr. Harrah is to be submitted to arbitration.

I recommend that an appropriation in the amount suggested by the Secretary of State be made, in order that the expenses which it will be necessary to incur on the part of the Government of the United States in the prosecution of the claim to final settlement may be met.

HERBERT HOOVER.

THE WHITE HOUSE, October 31, 1929.

RESIGNATION OF A MEMBER

The SPEAKER. The Chair lays before the House the following communication, which the Clerk will report.

The Clerk read as follows:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D. C., November 8, 1929.

HON. NICHOLAS LONGWORTH,

Speaker of the House of Representatives.

DEAR MR. SPEAKER: I beg leave to inform you that I have transmitted to Hon. Louis L. Emmerson, Governor of Illinois, my resignation as a Representative in the Congress of the United States from the twenty-fourth district of Illinois, effective November 11, 1929.

THOMAS S. WILLIAMS.

The SPEAKER. Without objection, the resignation will be filed.

There was no objection.

ELECTION OF MEMBERS TO COMMITTEE ON APPROPRIATIONS

Mr. TILSON. Mr. Speaker, I ask unanimous consent that the members who were members of the Committee on Appropriations in the Seventieth Congress be elected to membership on this committee in the Seventy-first Congress, and that the gentleman from Indiana [Mr. Wood] be chairman of the committee.

The SPEAKER. The gentleman from Connecticut asks unanimous consent that the members who were members of the Committee on Appropriations in the Seventieth Congress be elected to membership on that committee in the Seventy-first Congress, and that the gentleman from Indiana [Mr. Wood] be chairman of that committee. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

MEETINGS OF THE HOUSE

Mr. TILSON. Mr. Speaker, I ask unanimous consent that the arrangement by which we have heretofore been meeting every three days be continued for another week.

The SPEAKER. The gentleman from Connecticut asks unanimous consent that the arrangement by which we have been meeting every three days be continued for another week. Is there objection?

Mr. EDWARDS. Reserving the right to object, Mr. Speaker, I think it is perfectly apparent that we are not going to have an opportunity to act upon the tariff bill. Why should we be tied up waiting for the action of the Senate?

Mr. TILSON. We wish to be in a position to do our duty when it is presented to us.

Mr. EDWARDS. Yes; I think we should be in a position to do our duty whenever we can.

Mr. TILSON. I can make it two weeks, if the gentleman thinks that is perfectly safe, and the Speaker can call us back earlier if necessary.

Mr. GARNER. I wish the gentleman from Connecticut would reiterate the statement he made the last time that we continued the arrangement. The statement was then made that there would be no important business transacted by the House prior to the meeting of the regular session unless the tariff bill were sent over by the Senate. Is that the only business that will be transacted by the House that the gentleman can conceive of at the present moment?

Mr. TILSON. That is the only business, unless the Speaker should call us back in the meantime in case there is something important to be done.

Mr. MOORE of Virginia. Mr. Speaker, will the gentleman yield?

Mr. TILSON. Certainly.

Mr. MOORE of Virginia. I suggest that the gentleman put his request in this form: That the arrangement heretofore made be continued indefinitely, leaving it to the Speaker to call the House by proper notice to meet at some time between now and the regular session, if necessary. That would not limit the arrangement to one week or two weeks. The arrangement would remain in effect under which we are working now, and if anything should occur that we do not anticipate making it desirable for the House to meet, except in a formal way, the Speaker could advise the Members. I would be willing to leave the matter to the discretion of the Speaker and the gentleman from Connecticut.

Mr. TILSON. I think we should make it two weeks, with the understanding that the Members are not to be called back here at the extra session unless in the meanwhile some business should develop. Then the Members would not need to come back until the regular session. Two weeks will carry it up to within one week of the regular meeting time in December.

Mr. GARNER. Let me suggest to the gentleman from Connecticut this thought. I doubt if it should go over two weeks.

If the Senate should come to the conclusion that it can not pass the tariff bill during the special session, they might want to adjourn on the 23d, which is Saturday, and we would not be in session on Saturday. Therefore I suggest that we do not go over to the 25th, because if the Senate should send over a resolution to adjourn on the 23d we would not be here to consider it, and I therefore suggest that you make it the 23d instead of the 25th.

Mr. CHINDBLOM. Will the gentleman yield?

Mr. TILSON. Yes.

Mr. CHINDBLOM. I would like to suggest the 21st. That would be Thursday, and that day would be about 10 days before the regular session, and by that time we will probably know what is likely to happen.

Mr. TILSON. Mr. Speaker, I modify my request to make it Thursday, the 21st.

Mr. EDWARDS. Will the gentleman yield further?

Mr. TILSON. Yes.

Mr. EDWARDS. Does the gentleman believe it would be necessary to have a majority present in order to adjourn?

Mr. TILSON. It might be necessary. We can not tell what will happen. Now, Mr. Speaker, I renew my request, modified as suggested by the gentleman from Illinois.

The SPEAKER. The gentleman from Connecticut asks unanimous consent that the arrangement under which the House has recently been operating be extended up to and including Thursday, November 21.

Mr. TILSON. Up to November 21, because we might wish to do something on that day.

The SPEAKER. Is there objection?

Mr. HENRY T. RAINEY. Mr. Speaker, reserving the right to object, would it be in order for me to address the House at some of these short sessions on the subject of the failure of the administration to function and the collapse of the Republican Party organization? [Laughter.]

Mr. TILSON. I doubt whether that would be regarded as important business. [Laughter and applause.]

Mr. SCHAFER of Wisconsin. Mr. Speaker, reserving the right to object, under the unanimous-consent request, if favorably acted upon by the House, would I be precluded from addressing the House on a resolution which I intend to introduce, providing for an investigation of a certain angle of the tariff lobby, particularly with reference to the Rawleigh Tariff Bureau?

Mr. TILSON. I think the gentleman might come in under the same terms as the gentleman from Illinois [Mr. HENRY T. RAINEY]. [Laughter.]

The SPEAKER. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

FARM RELIEF—ADDRESS BY CONGRESSMAN KNUTSON

Mr. STRONG of Kansas. Mr. Speaker, I ask unanimous consent to have printed in the RECORD a radio address delivered by the gentleman from Minnesota [Mr. KNUTSON] during the summer.

The SPEAKER. The gentleman from Kansas asks unanimous consent to extend his remarks in the RECORD by printing a radio address delivered by the gentleman from Minnesota [Mr. KNUTSON]. Is there objection?

There was no objection.

Mr. STRONG of Kansas. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include a radio talk by Congressman HAROLD KNUTSON, of Minnesota, over radio station WCCO, August 12, 1929, upon the subject of farm relief. The address is as follows:

I am deeply appreciative of the opportunity given me by the editors sponsoring the Minnesota plan of farm relief to discuss over station WCCO the tariff bill now pending in Congress, and I wish on this occasion to commend them for their splendid and effective interest in farm legislation.

It is not as well realized as it should be that diversification in farming, as well as in our industries, has resulted from the operation of the protective tariff.

If our farmers raised only those things for which they are "best fitted," as the theorists advise, our operations would be confined to a few major commodities, such as corn, wheat, cotton, and hogs, with sheep, beef cattle, and dairying rapidly passing out of the picture, in addition to placing us on a world-price basis. Such types of farming to which we would be reduced would be of a soil-depleting character and would in time make us an unbalanced industrial Nation.

In practically every branch of animal husbandry we find one or more competitors enjoying special advantages. New Zealand and Argentina have their December, January, and February pastures for dairy animals, which enable those countries to ship their dairy products to this country at a time when American production costs are the highest. In addition to that advantage they have cheap labor.

Denmark and Holland likewise have their cheap labor in addition to a governmental policy designed to facilitate the export of dairy products. South America has its vast pampas of luxurious and dependable feed for cattle, while China enjoys the advantage of cheap labor in the production of poultry products. So we could go down the line if we but had the time.

Free and easy importations from these countries would fix American prices on farm products at much lower levels. This also applies to our rural values and standards of living, hence adequate duties on competing imports are absolutely essential.

The fight for such protective duties is a fight for your home, for your freedom, and a future for your children better than the peon's

lot on the plantation farm. Our times still call for devotion to and sacrifice for the standards we have attained which are far in advance of those prevailing in the rest of the world. I only want to remind you that they can easily be lost.

In the consideration of tariff legislation we must not forget the American toiler, who is by far the best customer for the products of our farms. He must be profitably employed if he is to pay such prices for our farm products as are necessary to make farming profitable. Let us not lose sight of the fundamental and immutable fact that he depends for his well-being upon the prosperity of the industry with which he is affiliated. We can not have spot protection and general prosperity at one and the same time, because agriculture must continue to depend upon industry for its market, and industry must in turn depend upon agriculture. The two are absolutely dependent upon each other, and those who would limit tariff revision to either agriculture or to industry evidently fail to give consideration to this fundamental fact, which in the past has proven so costly to agriculture.

From its very inception, the party to which I belong has stood for the building up of American standards. Abraham Lincoln believed that government of, for, and by the people had to be defended in the market place as well as at the polls and on the battle field. He did not believe in bringing into direct competition with our own, cheaper alien labor or the labor of slaves. He created our great homestead policy, so that in one country at least upon the earth, men who till the soil could own and manage it. These fundamental farm issues live on to-day and will survive so long as we have ambition to lift our standards for the common people above those of the rest of the world.

The present leader of our party measures up to this heritage of idealism. The party now responds to the changing world which makes protective farm tariffs as important to-day as were industrial tariffs to build the home market in Lincoln's time. The present Hawley bill measures up to the traditional defense of the common people—their right to employment under American conditions.

I do not claim that the Hawley tariff is perfect. Neither would I go so far as to say that it meets with my unqualified approval. But I do state, and without reservation, that it does more for agriculture, and especially for the Northwest, than any tariff measure ever passed by an American Congress.

In my talk this evening I shall point out to you some of its good features as well as some of its shortcomings as I view them, because I want to be perfectly fair in this discussion.

In the first place, I would have retained on the free list brick, shingles, cedar logs, hardwood lumber, and cement. The hearings had before the Ways and Means Committee fail to justify the transfer of these items from the free to the dutiable list. May I say here that soft lumber, such as fir, hemlock, and pine are retained on the free list in the Hawley bill, so it is not correct to say that all building materials were taken off the free list. I am happy to report that the Senate Finance Committee has only recently restored shingles and logs to the free list.

With the great road-building program ahead of us, cement should have free entry. The cement industry is highly organized and is fully capable of meeting foreign competition without hurt to its employees or to the industry itself.

Had I drawn the Hawley bill I would have placed a higher duty on casein and on blackstrap molasses, except where the latter is used for feeding purposes.

Another sin of omission was that of retaining tapioca and sago on the free list. I feel that our potato and corn growers are entitled to a rate on these two items that will create a home market for our corn and potato surpluses and I have every hope that the Senate will correct these errors as well as other shortcomings in the bill to which I have alluded. But notwithstanding these points against the bill, many of which, by the way, are certain to be changed before final passage, there are many advantages immensely valuable, as we shall see.

Let us examine some of the strong features of the bill.

First and foremost, the Hawley bill increases the rate on butter and butter substitutes from the present rate of 12 cents per pound to 14 cents per pound. Suppose, Mr. Dairyman, that Uncle Sam were to maintain a man in brass buttons on the outskirts of your town to stop you every time you went to the creamery and collect from you 14 cents per pound for every pound of butterfat before you could get it to the creamery. How long would you continue milking cows if you had to pay such a tax?

Up in my country we are paying in the middle forties for butterfat. Subtract 14 cents from that and you would have about 30 cents left. Could you afford to milk cows on that basis? And yet that is what the dairymen of foreign countries are obliged to pay when they ship butter to this country. Uncle Sam has a man in brass buttons on the dock in New York and other ports of entry who will collect 14 cents for every pound of butter that the foreign dairyman ships to this country. No wonder that foreign chancelleries are lodging complaints with our State Department against the provisions of the Hawley bill, which they say virtually shuts their farm products out of our country.

But let us get along, as my time is short. Another item of interest to us in the Northwest is that of eggs, the rate on which the Hawley bill increases from 6 cents to 10 cents per dozen. Now, Mrs. Farmer,

how would you like to have the same man in brass buttons stop you just as you arrive in town, count the eggs in your basket, and make you pay a tax of 10 cents on every dozen before you could bring them to market to sell them? And yet that is what China and other foreign countries shipping eggs to this country must pay to the man in brass buttons who represents Uncle Sam at Seattle, San Francisco, and other egg-importing centers. How many hens would you keep if you had to pay such a tax? Please remember that you will get the benefit of 10 cents on every dozen of eggs your hens lay after the Hawley tariff becomes law.

Now, let us pass on to potatoes. The present rate is 50 cents per hundredweight. This has been increased 50 per cent, or to 75 cents per hundredweight. When the Hawley bill becomes the law potato growers in foreign countries will have to pay that duty, which ought to help the situation materially. I want to say that a determined effort was made by northwestern Representatives in Congress to secure a proportionate increase on potato starch and flour without avail.

As my time is drawing to a close, let me hurry on for I am anxious to have you know the good as well as the bad features of the proposed tariff law.

Here are some of the notable increases on agricultural products which are of great interest to the Northwest:

Flax, from 40 cents to 50 cents per bushel.

Potato starch, increase per pound from 1½ to 2½ cents.

The rate on an 800-pound steer is increased from \$16 to \$20, and for each additional pound over 800 pounds from 2 to 2½ cents per pound.

Other changes are:

Beef and veal, increased from \$3 to \$6 per 100 pounds.

Sheep and goats, per head, raised from \$2 to \$3.

Mutton and goat meat, increased, per pound, from 2½ to 5 cents.

Fresh lamb, increased, per pound, from 4 to 7 cents.

Swine, increased, per pound, from one-half cent to 2 cents.

Pork, increase from \$1 to \$2.50 per 100 pounds.

Bacon, ham, etc., increased from 2 cents to 3½ cents per pound.

Lard, increased, per pound, from 1 cent to 3 cents.

Whole milk, increased, per gallon, from 2½ to 6½ cents.

Cream, increased, per gallon, from 20 to 56.6 cents.

I am told that a prominent dairyman in a talk before a gathering of dairy folks in the northern part of the State recently declared that this increase on milk and cream is not going to help us in the least.

Well, Mr. Minnesota Dairyman, how much profit would there be left for you if you had to pay 56 cents tax on every gallon of cream you haul to the creamery? This creamery official surely must know that millions of gallons of cream have been shipped into the Eastern States from Canada and made into butter, which has been sold in competition with Minnesota and Wisconsin butter. You will be able to put into a single cup of coffee all the cream that will come into the United States under the Hawley tariff rate of 56 cents per gallon.

Minnesota is a great poultry-producing State, and the increase from 3 cents to 8 cents per pound on live poultry is going to make the poultry business in this country even more profitable in the future. Baby chicks in the past have been coming through our gates free gratis. Under the Hawley bill each one will be taxed 4 cents for the privilege of living under the Stars and Stripes. We have increased the rate on dressed poultry from 6 cents to 8 cents per pound, and on turkeys the increase is from 6 cents to 10 cents per pound.

Heretofore immense quantities of dried eggs have been imported into the United States from China for use in bakeries; also by the cheaper restaurants where they are served in scrambled form. We have increased the rate on dried eggs from 6 cents to 18 cents per pound, and when the Hawley bill goes into effect we will have to eat eggs that have been laid by American hens and scrambled by American cooks.

Up our way we raise considerable buckwheat, and it may interest you to know that the rate on that grain has been increased from 10 cents to 25 cents per hundredweight, while the rate on corn is increased from 15 cents to 25 cents per bushel. Taking rye malt from the free list and imposing a tax of 40 cents per hundred may not be good news to home-brewers, but it will prove a mighty good thing for the man who raises rye. The rate on wheat remains the same as now, but we have reduced the tax on bran, shorts, etc., from 15 per cent to 10 per cent ad valorem, and that is going to give our dairymen cheaper feed.

Alfalfa and clover seed are increased from 4 cents to 5 cents per pound, and sweet-clover seed from 2 cents to 3 cents.

Cattle hides have been taken from the free list and given a 10 per cent ad valorem duty. One of the chief criticisms of the tariff act of 1922 was that hides were left on the free list. This year there was a general demand for a duty on hides, particularly on the part of the mid-west and western farmers and cattlemen. We can never expect to fill the American demand for hides, hence it will be especially valuable to a State like Minnesota, where we have so many country hides and worn-out cows.

Many of us think the duty on leather goods too high. On the other hand, one must be devoid of pity as well as judgment to wish that American shoemakers be thrown out of employment by the importation of leather goods in competition with their products. Leather goods

have been on the free list for a number of years. It has not been so long ago here in the Twin Cities we had five or six large and financially sound shoe factories. To-day only one is in operation. Doesn't that look as though something is wrong with the shoe industry, which is in competition with the free entry of boots and shoes from abroad, where labor is cheaper? We must not lose sight of the fundamental fact that industry must be profitably engaged if the farmer is to receive satisfactory prices for his farm products.

The new sugar rate is 3 cents a pound. This rate was imposed at the request of the beet-sugar growers in Minnesota and elsewhere. Farmers in the Red River Valley take the position that a large acreage in beets helps to solve our crop-surplus problem, since it tends to change land heretofore devoted to wheat and potatoes to sugar beets, thus giving an additional profitable crop.

The fight for adequate tariff rates on the agricultural items which I have mentioned, and many, many more, was won in the House. The Senate in its consideration of the bill will lower very few of them. Of that you may be sure.

It is interesting to take an inventory and to assess the benefits and the shortcomings of the Hawley bill as it stands now.

According to the United States Tariff Commission, the average increase in the agricultural schedule is 32.15 per cent ad valorem, while the increase in the industrial schedules is but 18.5 per cent ad valorem. So that disposes of the unwarranted charge that agriculture is being discriminated against in the proposed tariff law.

Budget studies show that the average Minnesota farmer will spend less than \$200 per year over a term of years for construction which includes many commodities yet on the free list, such as barbed wire, shingles, pine, fir, and hemlock lumber. Also, they will use on an average of less than 3½ barrels of cement, on which the new duty would be \$1.05. The average farm family will spend from \$100 to \$275 per annum on clothing on which the tariff rates on wool, cotton, leather, rayon, etc., would be assessed. In addition, the average farm family will spend probably \$150 for furnishings against which some of the proposed increases in the bill would be applied.

Against these costs, which I have enumerated, we have positive benefits as offsets.

You and I know that if wool were on the free list it would sell for 10 or 12 cents per pound, as it did in the middle nineties when we had free trade. Now wool brings from 30 to 36 cents up our way. We also know that with butter on the free list we would be glad to sell it for 28 cents to 30 cents per pound. Eggs would sell far below present prices, and so on down the line. The tariff is merely a bargain proposition. We pay for what we get out of it. But let me say to you, my friends, that we get considerably more out of the Hawley tariff bill than we pay for. In other words, the Hawley bill is a good bargain for us.

The Philippine Islands export to the United States every year something like a billion pounds of vegetable oils, much of which enters into direct competition with American dairy products and animal fats. They also export to us about 600,000 tons of sugar which competes with the product of our beet-sugar growers. A strong demand has been made that a limitation on these imports be imposed and, personally, I believe it would be desirable. However, Congress takes the position that the Filipinos are our wards and as such are entitled to the same consideration at our hands as is accorded between the States. In view of this anomalous situation I feel that the time has come to give to the Filipinos their independence and place them on the same footing as other competitive countries.

This is no new thought to me. I introduced a measure in 1924 to give the Filipinos their independence and I now promise you to take similar action when the regular session of Congress convenes in December. In my judgment, this should be the next step in our farm-relief program.

A short time ago Representative NOLAN, of Minneapolis, returned from Washington with a message from President Hoover asking the American people to suspend judgment on the Hawley tariff bill until after the Senate gets through with it. That is good advice.

Already the Senate has restored shingles and logs to the free list, increased the rates on several dairy products, and before it comes back to the House I believe there will be further improvements from the viewpoint of the farmer.

Meanwhile write your Senator or Representative in Congress to send you a copy of the comparative print of the Hawley bill, which gives the existing rates as well as the proposed new rates. Study it carefully, and after you have done so I think you will conclude it is a pretty good measure, about which there has been much misrepresentation and distortion.

Let me predict, my friends, that the Hawley tariff bill and the new farm relief act will usher in a new era of prosperity for American agriculture.

Good night.

THE LATE SENATOR THEODORE E. BURTON

Mr. MURPHY. Mr. Speaker, I offer a resolution, which I send to the Clerk's desk.

The SPEAKER. The gentleman from Ohio offers a resolution, which the Clerk will report.

The Clerk read as follows:

House Resolution 65

Resolved, That the House has heard with profound sorrow of the death of the Hon. THEODORE E. BURTON, a Senator from the State of Ohio.

Resolved, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

Resolved, That as a further mark of respect this House do now adjourn.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

ADJOURNMENT

Accordingly (at 12 o'clock and 16 minutes p. m.), the House adjourned until Thursday, November 14, 1929, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

78. Under clause 2 of Rule XXIV, a letter from the Secretary of the Treasury, transmitting schedules and lists of papers, documents, etc., in the files of the Treasury which are not needed in the transaction of public business and have no permanent value, was taken from the Speaker's table and referred to the Committee on the Disposition of Useless Executive Papers.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. SINCLAIR: A bill (H. R. 5050) authorizing an appropriation for conducting investigations and experiments in the dairy and livestock industries at Mandan, N. Dak.; to the Committee on Agriculture.

By Mr. SELVIG: A bill (H. R. 5051) to provide for the determination of claims for damages sustained by the fluctuation of the water levels of the Lake of the Woods in certain cases, and for other purposes; to the Committee on Foreign Affairs.

By Mr. BROWNE: A bill (H. R. 5052) to prohibit lobbying; to the Committee on the Judiciary.

By Mr. CABLE: A bill (H. R. 5053) to extend the time for the proof of active tuberculosis contracted by veterans of the World War; to the Committee on World War Veterans' Legislation.

By Mr. SMITH of Idaho: A bill (H. R. 5054) providing for the conveyance of land embraced in the Boise Barracks, Boise, Idaho, to the United States Veterans' Bureau and the State of Idaho; to the Committee on Military Affairs.

Also, a bill (H. R. 5055) to authorize the building of roads and making improvements in the craters of the Moon National Monument in Idaho; to the Committee on the Public Lands.

Also, a bill (H. R. 5056) to authorize homestead entrymen and owners of patented lands to purchase not exceeding 640 acres of stock-raising homestead lands; to the Committee on the Public Lands.

By Mr. ARENTZ: A bill (H. R. 5057) to provide for the construction of a gravel road in the Walker River Indian Reservation; to the Committee on Indian Affairs.

By Mr. CRAIL: A bill (H. R. 5058) to amend paragraph 6 of section 202 of the World War veterans' act of 1924, as amended; to the Committee on World War Veterans' Legislation.

By Mr. EDWARDS: A bill (H. R. 5059) to regulate athletics and sports in the Military and Naval Academies of the United States; to the Committee on Military Affairs.

Also, a bill (H. R. 5060) to require the registry of stocks, bonds, and foreign securities before they can enter interstate trade or be advertised or carried in the United States mails; to the Committee on the Judiciary.

By Mr. PALMER: A bill (H. R. 5061) to provide for the erection of a monument to commemorate the Battle of Wilson Creek, Mo.; to the Committee on the Library.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ALDRICH: A bill (H. R. 5062) for the relief of Mary P. Deane; to the Committee on Foreign Affairs.

By Mr. ARENTZ: A bill (H. R. 5063) for the relief of A. S. Phipps; to the Committee on Claims.

By Mr. BACHARACH: A bill (H. R. 5064) granting an increase of pension to Emma G. Palmer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5065) granting an increase of pension to Thomasine Combs; to the Committee on Invalid Pensions.

By Mr. BOWMAN: A bill (H. R. 5066) granting a pension to Mary E. Dean; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5067) granting a pension to Elizabeth Kesner; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5068) granting a pension to Elizabeth Alt; to the Committee on Invalid Pensions.

By Mr. BROWNE: A bill (H. R. 5069) granting a pension to Betsy Bradway; to the Committee on Invalid Pensions.

By Mr. BUTLER: A bill (H. R. 5070) granting a pension to Elizabeth Oatman; to the Committee on Pensions.

Also, a bill (H. R. 5071) granting an increase of pension to Etta J. Hyney; to the Committee on Pensions.

By Mr. CANFIELD: A bill (H. R. 5072) granting an increase of pension to Isabell Roseberry; to the Committee on Invalid Pensions.

By Mr. COLE: A bill (H. R. 5073) granting a pension to George A. Worrall; to the Committee on Pensions.

By Mr. CRALL: A bill (H. R. 5074) granting an increase of pension to Ellen M. Brewster; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5075) for the relief of Horatio S. Turrell, alias Horatio Seaward; to the Committee on Military Affairs.

Also, a bill (H. R. 5076) for the relief of Carl Siele; to the Committee on Naval Affairs.

Also, a bill (H. R. 5077) for the relief of Royal W. Robertson; to the Committee on Naval Affairs.

Also, a bill (H. R. 5078) for the relief of John B. Parsons; to the Committee on Military Affairs.

Also, a bill (H. R. 5079) for the relief of Robert H. Hastie; to the Committee on Military Affairs.

Also, a bill (H. R. 5080) for the relief of the widow and five minor children of Arturo Guajardo; to the Committee on Claims.

Also, a bill (H. R. 5081) for the relief of Zora B. Custer; to the Committee on Military Affairs.

Also, a bill (H. R. 5082) for the relief of Thomas William Harry Ball; to the Committee on Military Affairs.

Also, a bill (H. R. 5083) granting an increase of pension to Ermina F. Sipe; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5084) granting an increase of pension to Effie A. Reynolds; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5085) granting an increase of pension to Esther R. Reed; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5086) granting an increase of pension to Kittie J. Ong; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5087) granting an increase of pension to Mary P. Murray; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5088) granting an increase of pension to Alexander Mendosa; to the Committee on Pensions.

Also, a bill (H. R. 5089) granting an increase of pension to Maria Lobnow; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5090) granting an increase of pension to Katherine Heppe; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5091) granting a pension to Mary M. Barnes; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5092) granting a pension to William Alexander; to the Committee on Pensions.

Also, a bill (H. R. 5093) granting a pension to Dolphus Adams; to the Committee on Pensions.

Also, a bill (H. R. 5094) granting a pension to Oscar Felling; to the Committee on Pensions.

Also, a bill (H. R. 5095) granting a pension to Walter Goulette; to the Committee on Pensions.

Also, a bill (H. R. 5096) granting a pension to Ernest G. Jaissle; to the Committee on Pensions.

Also, a bill (H. R. 5097) granting a pension to Frederick Johnson; to the Committee on Pensions.

Also, a bill (H. R. 5098) granting a pension to Anna Kratzer; to the Committee on Pensions.

Also, a bill (H. R. 5099) granting a pension to Mary E. Leach; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5100) granting a pension to William W. Lee; to the Committee on Pensions.

Also, a bill (H. R. 5101) granting an increase of pension to Jeannette R. Walton Leslie; to the Committee on Pensions.

Also, a bill (H. R. 5102) granting a pension to Angie Martin; to the Committee on Pensions.

Also, a bill (H. R. 5103) granting a pension to Hilton Miller; to the Committee on Pensions.

Also, a bill (H. R. 5104) granting a pension to James D. Miller; to the Committee on Pensions.

Also, a bill (H. R. 5105) granting a pension to Thomas O'Brien; to the Committee on Pensions.

Also, a bill (H. R. 5106) granting a pension to Amanda L. Reed; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5107) granting a pension to Lena Shaw; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5108) granting a pension to A. L. Sourbeck; to the Committee on Pensions.

Also, a bill (H. R. 5109) granting a pension to Emanuel Klein; to the Committee on Pensions.

Also, a bill (H. R. 5110) granting a pension to Lydia Thompson; to the Committee on Pensions.

Also, a bill (H. R. 5111) granting a pension to Elizabeth Taylor; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5112) granting a pension to George D. Swan; to the Committee on Pensions.

By Mr. DAVENPORT: A bill (H. R. 5113) for the relief of Sylvester J. Easlick; to the Committee on Claims.

Also, a bill (H. R. 5114) to correct military record of Andrew J. Carr; to the Committee on Military Affairs.

Also, a bill (H. R. 5115) granting a pension to Helen Deets; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5116) granting a pension to Sarah E. Butler; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5117) granting a pension to Etta S. Dobell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5118) granting a pension to Clara A. Briggs; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5119) granting a pension to August Richards; to the Committee on Pensions.

Also, a bill (H. R. 5120) granting an increase of pension to Mary A. Bates; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5121) granting an increase of pension to Elizabeth Abeel; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5122) granting an increase of pension to Frances C. Dennis; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5123) granting an increase of pension to Alice M. Avery; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5124) granting an increase of pension to Maggie L. Green; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5125) granting an increase of pension to Lucy Kammerer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5126) granting an increase of pension to Frances S. O'Connor; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5127) granting an increase of pension to Isabelle J. Laufer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5128) granting an increase of pension to Elizabeth Bowman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5129) granting an increase of pension to Maria Maxson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5130) granting an increase of pension to Annie B. Mays; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5131) granting an increase of pension to Sarah J. Murphy; to the Committee on Invalid Pensions.

By Mr. EATON of New Jersey: A bill (H. R. 5132) granting an increase of pension to Fannie G. Smith; to the Committee on Invalid Pensions.

By Mr. EDWARDS: A bill (H. R. 5133) for the relief of Mack C. Kennedy; to the Committee on World War Veterans' Legislation.

Also, a bill (H. R. 5134) for the relief of Robert C. Creech, jr.; to the Committee on World War Veterans' Legislation.

Also, a bill (H. R. 5135) granting a pension to Alvan O. Hay; to the Committee on Pensions.

By Mr. ELLIOTT: A bill (H. R. 5136) granting a pension to Rebecca L. Thrasher; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5137) granting a pension to Mary Alice Eastman; to the Committee on Invalid Pensions.

By Mr. EVANS of California: A bill (H. R. 5138) granting a pension to Addie McDonough; to the Committee on Pensions.

Also, a bill (H. R. 5139) granting a pension to Rachel Kusske; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5140) granting a pension to Mattie E. Dockery; to the Committee on Pensions.

By Mr. FITZPATRICK: A bill (H. R. 5141) granting a pension to Alice J. Monahan; to the Committee on Pensions.

By Mr. GREENWOOD: A bill (H. R. 5142) granting a pension to Onie Laxton; to the Committee on Pensions.

Also, a bill (H. R. 5143) granting a pension to Sarah Holtsclaw; to the Committee on Pensions.

By Mr. HALL of Indiana: A bill (H. R. 5144) granting a pension to Sarah Miller; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5145) granting a pension to Nora O'Dell; to the Committee on Invalid Pensions.

By Mr. HALSEY: A bill (H. R. 5146) granting a pension to Martha Hudson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5147) granting an increase of pension to Sarah J. Smith; to the Committee on Invalid Pensions.

By Mr. HANCOCK: A bill (H. R. 5148) granting an increase of pension to Susan Vroman; to the Committee on Invalid Pensions.

By Mr. HESS: A bill (H. R. 5149) granting a pension to George P. Hopkins; to the Committee on Pensions.

By Mr. HOPKINS: A bill (H. R. 5150) granting a pension to John Ozenberger; to the Committee on Invalid Pensions.

By Mr. JEFFERS: A bill (H. R. 5151) for the relief of T. G. Roberts; to the Committee on Naval Affairs.

By Mr. KIESS: A bill (H. R. 5152) granting a pension to Edgar P. Rice; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5153) granting an increase of pension to William E. Monroe; to the Committee on Pensions.

By Mr. KORELL: A bill (H. R. 5154) for the relief of William Wannebo; to the Committee on Military Affairs.

By Mr. LUCE: A bill (H. R. 5155) granting a pension to Nellie G. Quinn; to the Committee on Pensions.

By Mr. ROBINSON of Iowa: A bill (H. R. 5156) granting a pension to Nellie Kaster; to the Committee on Invalid Pensions.

By Mr. SCHAFER of Wisconsin: A bill (H. R. 5157) granting an increase of pension to Isaac T. Osler; to the Committee on Pensions.

By Mr. SIMMONS: A bill (H. R. 5158) granting an increase of pension to Amanda J. Ward; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5159) granting an increase of pension to Rebecca Jane Wanker; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5160) granting an increase of pension to Isis B. Woody; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5161) granting a pension to Mary E. Youngman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5162) granting a pension to Mary C. Benthin; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5163) granting a pension to Eliza Cooper; to the Committee on Pensions.

By Mr. SIMMS: A bill (H. R. 5164) granting a pension to Sarah L. Schuster; to the Committee on Pensions.

By Mr. STRONG of Pennsylvania: A bill (H. R. 5165) granting an increase of pension to Annie Doughty; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5166) granting an increase of pension to Christianna Lewis; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5167) granting a pension to Mary E. Smith; to the Committee on Invalid Pensions.

By Mr. TARVER: A bill (H. R. 5168) granting an increase of pension to Margaret Hide; to the Committee on Invalid Pensions.

By Mr. THURSTON: A bill (H. R. 5169) granting an increase of pension to Mary E. Anderson; to the Committee on Invalid Pensions.

By Mr. TINKHAM: A bill (H. R. 5170) for the relief of Margaret Sloane; to the Committee on Claims.

Also, a bill (H. R. 5171) granting a pension to Lulu E. Cushing; to the Committee on Pensions.

By Mr. UNDERWOOD: A bill (H. R. 5172) granting an increase of pension to Martha J. Moore; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5173) granting an increase of pension to Margaret Stultz; to the Committee on Invalid Pensions.

By Mr. VINSON of Georgia: A bill (H. R. 5174) granting a pension to Ruth E. Dillman; to the Committee on Pensions.

Also, a bill (H. R. 5175) granting a pension to Ida W. Anchors; to the Committee on Pensions.

By Mr. VINCENT of Michigan: A bill (H. R. 5176) for the relief of Osmond H. Tower; to the Committee on Military Affairs.

PETITIONS, ETC.

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

885. By Mr. ALDRICH: Petition of Dr. F. G. Taggart, Charles R. Johnson, and 47 others, of East Greenwich, R. I., urging passage of Civil War pension bill carrying the rates proposed by the National Tribune; to the Committee on Invalid Pensions.

886. By Mr. ALMON: Petition of citizens of Bridgeport, Ala., urging Congress to pass a favorable bill to increase pensions of Civil War veterans and widows of veterans; to the Committee on Invalid Pensions.

887. By Mr. BACHMANN: Petition of Mrs. Walter Harvey Conley and other citizens of Reader, W. Va., urging that immediate steps be taken to bring to a vote a Civil War pension bill in order that relief may be accorded to needy and suffering veterans and widows of veterans; to the Committee on Invalid Pensions.

888. By Mr. BOWMAN: Petition for additional pension relief to Civil War veterans and their dependents; to the Committee on Invalid Pensions.

889. By Mr. BOYLAN: Petition of National Council of American Importers and Traders (Inc.), New York, N. Y., opposing the proposed increase of duty on agate buttons; to the Committee on Ways and Means.

890. Also, petition signed by Alice M. Hellmer and others, favoring legislation exempting dogs from being used for vivisection purposes, etc.; to the Committee on Agriculture.

891. By Mr. BROWNE: Petition by James A. Garfield Woman's Relief Corps No. 93, representing 111 women, asking that the pensions of Civil War widows be increased; to the Committee on Invalid Pensions.

892. Also, petition of citizens of Stevens Point, Wis., asking that the pensions of Civil War soldiers and widows of soldiers be increased; to the Committee on Invalid Pensions.

893. By Mr. BURTNESS: Petition of C. H. Mausten, J. D. Roach, and other residents of Langdon, N. Dak., asking for legislation increasing the pensions of Civil War veterans and widows of veterans; to the Committee on Invalid Pensions.

894. Also, petition of Vernon Hancock, Thomas E. Wagar, and other residents of Gilby, N. Dak., asking for legislation increasing the pensions of Civil War veterans and widows of veterans; to the Committee on Invalid Pensions.

895. By Mr. CANFIELD: Petition of Martin Bennett and 110 other citizens of Dearborn County, Ind., asking that legislation be enacted that will be helpful to the veterans of the Civil War and widows of veterans; to the Committee on Invalid Pensions.

896. Also, petition of Henry C. Williams and 530 other citizens of Aurora, Ind., asking that legislation be enacted that will be helpful to veterans of the Civil War and widows of veterans; to the Committee on Invalid Pensions.

897. Also, petition of Charles Murphy, of 317 North Broadway, Seymour, Ind., and 122 other citizens of Seymour, Ind., asking that legislation be enacted that will be helpful to the veterans of the Civil War and widows of veterans; to the Committee on Invalid Pensions.

898. By Mr. CRAMTON: Petition signed by Grace Miller and 123 other residents of Imlay City, Mich., urging increase in pension for Civil War veterans and widows of veterans; to the Committee on Invalid Pensions.

899. By Mr. CULLEN: Resolution of the League for Safeguarding the Fixity of the Sabbath, urging the Congress of the United States not to adopt any bill which may provide for the calling of, or the sending of delegates from the United States to, an international conference for the simplification of the calendar unless such resolution contain a proviso that the delegates oppose the simplification of the calendar which would include a blank day by which the existing fixed periodicity of the Sabbath would be destroyed; to the Committee on Foreign Affairs.

900. Also, petition of the Metropolitan Association of the Amateur Athletic Union of the United States, respectfully petitioning for the immediate repeal of the 10 per cent tax now imposed upon the dues, initiation fees, and life memberships of social, athletic, and sporting clubs and organizations; to the Committee on Ways and Means.

901. Also, resolution of the Brooklyn Auxiliary No. 2, Jewish War Veterans of the United States, urging the necessity of extending date of presumptive service connection in cases of veterans suffering from and with a true diagnosis of tuberculosis from the date now established by law to January 1, 1930; to the Committee on World War Veterans' Legislation.

902. Also, petition of the National Paint, Oil, and Varnish Association, at its annual convention in Washington, D. C., urging the Congress of the United States to oppose any increase in the rate on such nonedible blackstrap molasses provided in the pending tariff bill; to the Committee on Ways and Means.

903. Also, petition, as American citizens and merchants, of the National Council of American Importers & Traders (Inc.), vigorously protesting against section 526 (a) as amended by the Senate, and which relates to trade-marks; to the Committee on Patents.

904. Also, petition of the American Exporters and Importers' Association, respectfully petitioning Congress against the proposed change in section 526 of the existing tariff law, affecting trade-marks and patents; to the Committee on Ways and Means.

905. By Mr. DEMPSEY: Petition of E. D. Baker and 227 other citizens of Niagara County, N. Y., asking that a bill increasing pensions of Civil War veterans and widows of such veterans as indorsed by the National Tribune, be speedily enacted into law; to the Committee on Invalid Pensions.

906. By Mr. DOUGLAS of Arizona: Petition urging the passage of legislation increasing the pensions of Civil War veterans and widows of veterans; to the Committee on Invalid Pensions.

907. Also, petition of citizens of Phoenix, Ariz., urging Congress for early passage of legislation increasing pensions to Civil War veterans and widows of veterans; to the Committee on Invalid Pensions.

908. By Mr. EVANS of Montana: Petition of Jesse Burbidge and other residents of Rimini, Mont., urging the passage of the Civil War pension bill proposed by the National Tribune; to the Committee on Invalid Pensions.

909. Also, petition of W. A. Mowger and other citizens of Hamilton, Mont., urging the passage of the bill for the relief of Civil War veterans and widows of veterans; to the Committee on Invalid Pensions.

910. By Mr. FITZPATRICK: Petition of residents of the city of Mount Vernon, N. Y., urging favorable action on House Joint Resolution 28, for the appointment of a joint committee of the Senate and House of Representatives to investigate the pay and allowances of the commissioned and enlisted personnel of the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service; to the Committee on Military Affairs.

911. By Mr. FULLER: Petition of citizens of Omaha, Ark., urging passage of a bill providing increase of pension to Civil War veterans and widows of veterans; to the Committee on Invalid Pensions.

912. Also, petition of citizens of Arkansas, urging Congress for legislation granting increases in pension to Civil War veterans and widows of veterans; to the Committee on Invalid Pensions.

913. By Mr. GIBSON: Petition of citizens of Barre, Vt., favoring emergency legislation for the benefit of Civil War veterans; to the Committee on Invalid Pensions.

914. Also, petition of citizens of Randolph, Vt., favoring emergency legislation for the benefit of Civil War veterans; to the Committee on Invalid Pensions.

915. By Mr. GLOVER: Petition of citizens of McGehee, Ark., urging Congress to pass a bill increasing the pensions of Civil War veterans and widows of veterans; to the Committee on Invalid Pensions.

916. Also, petition of Pine Bluff Missionary Baptist Association, urging Congress to amend the prohibition law so as to make the purchaser of intoxicating liquors equally guilty with the seller or the manufacturer; to the Committee on the Judiciary.

917. By Mr. GOLDSBOROUGH: Petition of citizens of Pittsville, Md., favoring increase in pensions of Civil War veterans and widows of Civil War veterans; to the Committee on Invalid Pensions.

918. Also, petition of citizens of Elkton, Md., favoring increase in pensions of Civil War veterans and widows of Civil War veterans; to the Committee on Invalid Pensions.

919. Also, petition of citizens of Trappe, Md., favoring increase in pensions of Civil War veterans and widows of Civil War veterans; to the Committee on Invalid Pensions.

920. Also, petition of citizens of Marion Station, Md., to increase the pension of Civil War veterans and widows of Civil War veterans; to the Committee on Invalid Pensions.

921. By Mr. HADLEY: Petition of a number of citizens of Whatcom County, Wash., urging increases of pensions for Civil War veterans and widows of veterans; to the Committee on Invalid Pensions.

922. By Mr. HALSEY: Petition of sundry voters of Spring Hill, Mo., urging the Congress of this special session to take immediate steps to bring to a vote a Civil War pension bill, in order that relief may be accorded to needy and suffering veterans and widows of veterans; to the Committee on Invalid Pensions.

923. By Mr. HAUGEN: Petition of Thomas Goodell and other citizens of Allamakee County, Iowa, urging that immediate steps be taken to bring to a vote a Civil War pension bill in order that relief may be accorded to needy and suffering veterans and widows of veterans; to the Committee on Invalid Pensions.

924. Also, petition of citizens of Winneshiek County, Iowa, urging that immediate steps be taken to bring to a vote a Civil War pension bill in order that relief may be accorded to needy and suffering veterans and widows of veterans; to the Committee on Invalid Pensions.

925. Also, petition of Ella Blake and other citizens of Fayette County, Iowa, urging that immediate steps be taken to bring to a vote a Civil War pension bill in order that relief may be accorded to needy and suffering veterans and widows of veterans; to the Committee on Invalid Pensions.

926. Also, petition of citizens of Howard County, Iowa, urging that immediate steps be taken to bring to a vote a Civil War pension bill in order that relief may be accorded to needy and suf-

fering veterans and widows of veterans; to the Committee on Invalid Pensions.

927. By Mr. HESS: Petition of sundry citizens of Cincinnati, Ohio, urging the passage of a bill to increase the pensions of Civil War veterans and widows of veterans; to the Committee on Invalid Pensions.

928. By Mr. HUDSON: Petition of citizens of Ingham and Genesee Counties, Mich., urging favorable consideration of legislation bringing benefits to veterans of the Civil War and widows of veterans; to the Committee on Invalid Pensions.

929. By Mr. JEFFERS: Petition of citizens of Dallas County, Ala., urging that immediate steps be taken at this special session to bring to a vote a Civil War pension bill carrying the rates proposed by the National Tribune in order that relief may be accorded to needy and suffering veterans and widows of veterans; to the Committee on Invalid Pensions.

930. By Mr. JOHNSON of South Dakota: Petition of citizens of Pollock, S. Dak., urging enactment of legislation to increase the pensions of Civil War veterans and widows of veterans; to the Committee on Invalid Pensions.

931. Also, petition of citizens of Florence, S. Dak., urging enactment of legislation to increase the pensions of Civil War veterans and widows of veterans; to the Committee on Invalid Pensions.

932. Also, petition of citizens of Moberly, S. Dak., urging enactments of legislation to increase the pensions of Civil War veterans and widows of veterans; to the Committee on Invalid Pensions.

933. By Mr. KINCHELOE: Petition of Annie B. Boyd, C. D. Higbee, and 18 other voters of Hopkinsville, Ky., urging that immediate steps be taken to bring to a vote a Civil War pension bill in order that relief may be accorded to needy and suffering veterans and widows of veterans; to the Committee on Invalid Pensions.

934. Also, petition of 59 voters of Women's Relief Corps, State of Kentucky, urging that immediate steps be taken to bring to a vote a Civil War pension bill in order that relief may be accorded to needy and suffering veterans and widows of veterans; to the Committee on Invalid Pensions.

935. Also, petition of Eulah Sampson, Clarkie Jenkins, and 120 other voters of Henderson, Ky., urging that immediate steps be taken to bring to a vote a Civil War pension bill in order that relief may be accorded to needy and suffering veterans and widows of veterans; to the Committee on Invalid Pensions.

936. Also, petition of Nancy Hughes, Peter Givens, and 30 other voters of Morganfield, Ky., urging that immediate steps be taken to bring to a vote a Civil War pension bill in order that relief may be accorded to needy and suffering veterans and widows of veterans; to the Committee on Invalid Pensions.

937. Also, petition signed by Marion Dukes, Hugh Choate, Ernest Myers, and 102 other voters of Crofton, Ky., urging that immediate steps be taken to bring to a vote a Civil War pension bill in order that relief may be accorded to needy and suffering veterans and widows of veterans; to the Committee on Invalid Pensions.

938. Also, petition signed by Otilie Friedrich, Elisabeth Eckert, and 59 other voters of Daviess County, Ky., urging that immediate steps be taken to bring to a vote a Civil War pension bill in order that relief may be accorded to needy and suffering veterans and widows of veterans; to the Committee on Invalid Pensions.

939. By Mr. McLAUGHLIN: Petition signed by David Henderson and 11 other residents of Manton, Wexford County, Mich., urging passage of a bill providing increase of pension for Civil War soldiers and their dependents; to the Committee on Invalid Pensions.

940. By Mr. MURPHY: Petition of C. E. Cox and 13 other citizens of Leesville, Ohio, asking for the passage of the National Tribune's Civil War pension bill; to the Committee on Invalid Pensions.

941. By Mr. NELSON of Maine: Petition of sundry citizens of Belfast, Me., favoring increase of pension for Civil War veterans and widows of veterans; to the Committee on Invalid Pensions.

942. By Mr. PALMER: Petition of Martha A. Jones and sundry citizens of Sedalia, Mo., praying for the passage of legislation granting increased pensions to Civil War veterans and widows of veterans; to the Committee on Invalid Pensions.

943. Also, petition of Tina J. Davis and sundry citizens of Springfield, Mo., praying for the passage of legislation granting increased pensions to Civil War veterans and widows of veterans; to the Committee on Invalid Pensions.

944. By Mr. RAMSEYER: Petition of citizens of Eldon, Iowa, advocating increase of pensions for veterans of the Civil War and widows of veterans; to the Committee on Invalid Pensions.

945. Also, petition of citizens of Keota, Iowa, advocating increase of pensions for veterans of the Civil War and widows of veterans; to the Committee on Invalid Pensions.

946. By Mr. REID of Illinois: Petition of Robert R. Hunt and 37 other citizens of Elgin, Ill., asking that Congress pass a bill carrying the rates suggested by the National Tribune for Civil War veterans and widows of veterans; to the Committee on Invalid Pensions.

947. Also, petition of Annie Metzger and 81 other citizens of Joliet, Ill., asking that Congress pass a bill carrying the rates suggested by the National Tribune for Civil War veterans and widows of veterans; to the Committee on Invalid Pensions.

948. Also, petition of Anna Burchim and 11 other citizens of Wilmington, Ill., asking that Congress pass a bill carrying the rates suggested by the National Tribune for Civil War veterans and widows of veterans; to the Committee on Invalid Pensions.

949. By Mr. ROBINSON of Iowa: Petition urging the passage of the Civil War pension bill for widows signed by Ellen M. Swarts, of 117 Leonard Avenue, Waterloo, Iowa, and about 75 other citizens of Waterloo, Iowa; to the Committee on Invalid Pensions.

950. By Mr. ROWBOTTOM: Petition of Ida M. Coker and Lorilda Walker, of Mount Vernon, Ind., that Congress enact into law at this session legislation to relieve the Civil War soldiers and widows of soldiers; to the Committee on Invalid Pensions.

951. By Mr. SCHNEIDER: Petition urging pension legislation for relief of needy veterans of the Civil War and widows of veterans, signed by residents of Appleton, Wis.; to the Committee on Invalid Pensions.

952. Also, petition urging increases for Civil War survivors and widows of survivors signed by residents of Marinette, Wis.; to the Committee on Invalid Pensions.

953. Also, petition urging pension increases for Civil War survivors and widows of survivors; signed by 24 residents of Hortonville, Wis.; to the Committee on Invalid Pensions.

954. By Mr. SHORT of Missouri: Petition of citizens of Puxico, Mo., favoring increased pensions for soldiers of the Civil War and widows of soldiers; to the Committee on Invalid Pensions.

955. Also, petition of citizens of Douglas County, Mo., favoring increased pensions for soldiers of the Civil War and widows of soldiers; to the Committee on Invalid Pensions.

956. Also, petition of citizens of Ozark County, Mo., favoring increased pensions for soldiers of the Civil War and widows of soldiers; to the Committee on Invalid Pensions.

957. Also, petition of citizens of Scott County, Mo., favoring increased pensions for soldiers of the Civil War and widows of veterans; to the Committee on Invalid Pensions.

958. Also, petition of citizens of Branson, Mo., favoring increased pensions for soldiers of the Civil War and widows of veterans; to the Committee on Invalid Pensions.

959. By Mr. STALKER: Petition of citizens of the State of New York, urging Congress for the early passage of a bill increasing the pensions of Civil War veterans and widows of veterans; to the Committee on Invalid Pensions.

960. By Mr. STRONG of Pennsylvania: Petition of citizens of Freeport, Pa., in favor of increased pensions for Civil War veterans and widows of veterans; to the Committee on Invalid Pensions.

961. Also, petition of citizens of Kittanning, Pa., in favor of increased pension for Civil War veterans and widows of veterans; to the Committee on Invalid Pensions.

962. Also, petition of citizens of Indiana, Pa., in favor of increased pension for Civil War veterans and widows of veterans; to the Committee on Invalid Pensions.

963. By Mr. SUMMERS of Washington: Petition signed by Lola Donaldson and 63 other citizens of Parker, Wash., favoring increase of pensions to Civil War veterans and widows of veterans; to the Committee on Invalid Pensions.

964. Also, petition signed by Mrs. E. J. Robart and 50 other citizens of Toppenish, Wash., favoring increase of pensions to Civil War veterans and widows of veterans; to the Committee on Invalid Pensions.

965. By Mr. SIMMONS: Petition of citizens of Lincoln County, Brown County, Keith County, Dawson County, and Custer County, Nebr., all asking for increased pensions for the soldiers of the Civil War, their orphans and widows; to the Committee on Invalid Pensions.

966. By Mr. SWING: Petition of citizens of National City, Calif., in favor of increased pensions for veterans of the Civil War and widows of veterans; to the Committee on Invalid Pensions.

967. Also, petition of citizens of Santa Ana, Calif., in favor of increased pensions for veterans of the Civil War and widows of veterans; to the Committee on Invalid Pensions.

968. Also, petition of citizens of San Bernardino County, Calif., in favor of bills granting increase in pension to Spanish-American War veterans; to the Committee on Pensions.

969. Also, petition of citizens of San Bernardino County, Calif., in favor of increased pensions for veterans of the Civil War and widows of veterans; to the Committee on Invalid Pensions.

970. By Mr. THOMPSON: Petition of 54 citizens of Delta, Fulton County, Ohio, praying for early passage of bills granting increases of pension to Civil War veterans and widows of veterans; to the Committee on Invalid Pensions.

971. By Mr. THURSTON: Petition signed by 22 residents of Clarke County, Iowa, protesting against the proposed change in the calendar; to the Committee on Foreign Affairs.

972. Also, petition signed by 29 citizens of Taylor County, in the State of Iowa, petitioning the Congress to increase the pensions now allowed to Civil War veterans and their dependents; to the Committee on Invalid Pensions.

973. Also, petition signed by 111 citizens of Bedford, Taylor County, Iowa, petitioning the Congress to increase the pensions now allowed to Civil War veterans and their dependents; to the Committee on Invalid Pensions.

974. By Mr. WOLVERTON of West Virginia: Petition of citizens of Walkerville, W. Va., urging Congress to take a vote on the Civil War pensions bill at the special session of Congress; to the Committee on Invalid Pensions.

975. Also, petition of citizens of Clay County, W. Va., urging Congress for the passage of a bill for the increase of pension to Civil War veterans and widows of veterans; to the Committee on Invalid Pensions.

976. Also, petition of citizens of Shinnston, Harrison County, W. Va., praying for early passage of bills granting increases of pension to Civil War veterans and widows of veterans; to the Committee on Invalid Pensions.

977. By Mr. WOODRUFF: Petition of citizens of Mecosta County, Mich., favoring increased pensions for veterans of the Civil War and widows of veterans; to the Committee on Invalid Pensions.

SENATE

TUESDAY, November 12, 1929

(Legislative day of Wednesday, October 30, 1929)

The Senate met at 10 o'clock a. m., on the expiration of the recess.

PART-TIME EMPLOYEES, DEPARTMENT OF COMMERCE (S. DOC. NO. 37)

The VICE PRESIDENT laid before the Senate a communication from the Secretary of Commerce, in response to Senate Resolution 142 (agreed to October 26, 1929), transmitting a list of officers or employees of the Department of Commerce, receiving a salary of \$1 per annum or other sum as are at the same time regularly employed by individuals or associations, etc., which, with the accompanying list, was ordered to lie on the table and to be printed.

CALL OF THE ROLL

Mr. FESS. Mr. President, I suggest the absence of a quorum. The VICE PRESIDENT. The clerk will call the roll.

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

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|-----------|--------------|-------------|---------------|
| Allen | Edge | Howell | Reed |
| Ashurst | Fess | Johnson | Sackett |
| Barkley | Fletcher | Jones | Schall |
| Bingham | Frazier | Kean | Sheppard |
| Black | George | Kendrick | Shortridge |
| Blease | Gillett | Keyes | Simmons |
| Borah | Glass | La Follette | Smoot |
| Bratton | Goff | McKellar | Steiwer |
| Brock | Goldsborough | McMaster | Stephens |
| Brookhart | Gould | McNary | Swanson |
| Broussard | Greene | Metcalf | Thomas, Idaho |
| Capper | Hale | Norbeck | Thomas, Okla. |
| Connally | Harris | Norris | Townsend |
| Copeland | Harrison | Nye | Trammell |
| Couzens | Hatfield | Overman | Vandenberg |
| Cutting | Hawes | Patterson | Walcott |
| Dale | Hayden | Phipps | Walsh, Mont. |
| Deneen | Hebert | Pine | Waterman |
| Dill | Heflin | Ransdell | Wheeler |

Mr. TOWNSEND. I desire to announce the unavoidable absence of my colleague [Mr. HASTINGS]. I ask that this announcement may stand for the day.

Mr. SHEPPARD. I wish to announce that the junior Senator from Utah [Mr. KING] is absent owing to illness.

I also wish to announce that the Senator from Arkansas [Mr. CARAWAY], the Senator from Indiana [Mr. ROBINSON], and the Senator from Wisconsin [Mr. BLAINE] are absent on business of the Senate.