

There must be an increasing reliance upon religion. It is the source of all faith. It is the evidence of the eternal purpose and of the true power, the true nobility of mankind. It gives a divine sanction to the authority of righteous government, to faithful service through economic relationship, and to the peaceful covenants of international understanding. It represents the only hope of the world, the only motive by which mankind can bear the burdens of civilization.

## EXECUTIVE SESSION.

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

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened; and (at 10 o'clock and 10 minutes p. m.) the Senate, under the order previously entered, took a recess until to-morrow, Thursday, May 25, 1922, at 11 o'clock a. m.

## CONFIRMATIONS.

*Executive nominations confirmed by the Senate May 24 (legislative day of April 20), 1922.*

## ENVOY EXTRAORDINARY AND MINISTER PLENIPOTENTIARY.

Arthur H. Geissler to be envoy extraordinary and minister plenipotentiary to Guatemala.

## DIRECTOR OF WAR FINANCE CORPORATION.

Dwight Davis to be Director of the War Finance Corporation for a term of four years.

## APPRAISER OF MERCHANDISE.

George M. Jameson to be appraiser of merchandise, customs collection district No. 12, Pittsburgh, Pa.

## UNITED STATES ATTORNEYS.

Thomas Williamson to be United States attorney, southern district of Illinois.

A. V. McLane to be United States attorney, middle district of Tennessee.

## PROMOTIONS IN THE NAVY.

John D. Beuret to be chief constructor and Chief of the Bureau of Construction and Repair.

## TO BE COMMANDERS.

Claude B. Mayo.  
Henry K. Hewitt.  
Felix X. Gyax.

## TO BE LIEUTENANT COMMANDERS.

Ernest J. Blankenship.  
Alfred Y. Lanphier.  
Oliver M. Read, jr.

## TO BE LIEUTENANTS.

John A. Terhune. Willis M. Percifield.  
Leonard Doughty, jr. Carl K. Martin.

## TO BE LIEUTENANTS (JUNIOR GRADE).

Willis M. Percifield. Charles E. Coney.  
John B. Cooke. Alonzo B. Alexander.  
Julian B. Noble.

## TO BE MEDICAL INSPECTOR.

Charles E. Ryder.

## TO BE PASSED ASSISTANT SURGEONS.

Frederic L. Conklin.  
James Humbert.

## TO BE PAYMASTERS.

Harry T. Sandlin. Arthur H. Eddins.  
Stanley M. Mathes. Charles C. Copp.  
John D. P. Hodapp.

## TO BE PASSED ASSISTANT PAYMASTERS.

Charles G. Holland.  
John O. Wood.  
William A. Best.

## TO BE NAVAL CONSTRUCTORS.

Walter W. Webster.  
Beirne S. Bullard.  
Ernest L. Patch.

## TO BE CHIEF MACHINISTS.

George J. Blessing. John C. Richards.  
Bennett M. Proctor. William W. Wilkins.  
Chauncey R. Doll. Benjamin F. Maddox.  
Carl S. Chapman. Frank W. Yurasko.  
Andrew C. Skinner. John J. Enders.

## MARINE CORPS.

Richard M. Cutts to be colonel.  
Harry G. Bartlett to be major.  
Frank P. Snow to be first lieutenant.

## POSTMASTERS.

## CALIFORNIA.

Stella L. Vincent, Carmel.  
Rexford E. Morton, Dyerville.

## COLORADO.

Anna Bogue, Basalt.

## GEORGIA.

Marion W. Hudson, Dallas.  
Julius Peacock, Vidalia.

## IOWA.

Oswell Z. Wellman, Arlington.  
Homer G. Games, Calamus.  
Raymond W. Ellis, Norwalk.

## KANSAS.

Benson L. Mickel, Soldier.  
Victor E. Green, De Ridder.  
Charles DeBlieux, Natchitoches.

## MARYLAND.

Hattie B. H. Moore, Maryland.  
Ernest G. Willard, Poolesville.

## MICHIGAN.

Selma O'Neill, Rockford.  
Walter H. Nesbitt, Schoolcraft.  
George K. Hoyt, Suttons Bay.

## MINNESOTA.

Ernest W. Nobbs, Bellingham.  
George P. Dickinson, Excelsior.

## MISSOURI.

Nelle Tomlinson, Morley.  
Phillip G. Wild, Spickard.

## NEBRASKA.

James E. Schoonover, Aurora.  
Carroll C. Colbert, Wauneta.

## NEW JERSEY.

Sejina L. Caruth, East Paterson.  
William J. Caswell, Washington.

## NEW YORK.

M. Elizabeth Corey, Cutchogue.  
Frank D. Gardner, De Ruyter.  
John C. Jubin, Lake Placid Club.  
John F. Joslin, Voorheesville.

## OHIO.

Edgar L. Taylor, Crooksville.  
Clara J. Mitchell, Mount Pleasant.  
Leonidas A. Smith, Ridgeway.

## RHODE ISLAND.

Jonathan Bateman, Manville.

## SOUTH DAKOTA.

Robert C. Gibson, Geddes.  
Theresa R. Zimmerman, Montrose.

## TENNESSEE.

Clarence L. Shoffner, Shelbyville.

## VIRGINIA.

Milton S. Roberts, Faber.  
Jessie R. Haven, Greenwood.

## WYOMING.

Ellen L. George, Superior.

## HOUSE OF REPRESENTATIVES.

WEDNESDAY, May 24, 1922.

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 eternal God, in mute necessity our hearts go out after Thee. We make grateful mention of Thy goodness, we recall Thy boundless mercies, and we would meditate upon Thy providences. Thy love still passes all understanding and Thy riches are still unsearchable. Deepen in us the currents of reflection and give us wise insight into all problems of legislation. Elevate our whole natures and bring them to the highest point of efficiency. Work in us a splendid discontent and give us the reach of larger growth and broader attainment. Let the sun

of righteousness and peace fall upon the hills and the valleys of our country. May God's good angels brood above our hearthstones and fold all hearts in the calm and true embrace of love. Through Jesus Christ our Lord. Amen.

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

BRIDGES ACROSS ROCK RIVER AND FOX RIVER, ILL.

Mr. FULLER. Mr. Speaker, I ask unanimous consent to address the House for one minute.

The SPEAKER. The gentleman from Illinois asks unanimous consent to address the House for one minute. Is there objection?

There was no objection.

Mr. FULLER. Mr. Speaker, in my district there are two bridges that have become dangerous, and new bridges must be built. The authorities there are now held up awaiting the consent of Congress to build those bridges. The bills have been reported by the Committee on Interstate and Foreign Commerce and approved by the War Department. The authorities are now waiting for this consent before they can build these bridges, so that it is an emergency case. I ask unanimous consent—

Mr. GARNER. Mr. Speaker, I do not know what the purpose of the gentleman is, but this side of the House can not hear a word of what he says. If his purpose is to inform the House, he is not doing so.

Mr. FULLER. Mr. Speaker, an emergency exists for the building of two bridges across so-called navigable streams in my district. They are not navigable. The authorities are now waiting before they let the contracts until they can obtain the consent of Congress. The bills have been approved by the War Department and favorably reported by the Committee on Interstate and Foreign Commerce. I ask unanimous consent for the present consideration of H. R. 11408 and H. R. 11409.

Mr. RAYBURN. I reserve the right to object, Mr. Speaker.

The SPEAKER. The gentleman from Illinois asks unanimous consent for the present consideration of two bills, H. R. 11408 and 11409. The Clerk will report the first one.

The Clerk read as follows:

A bill (H. R. 11408) granting the consent of Congress to the county of Winnebago and the town of Rockton, in said county, in the State of Illinois, to construct, maintain, and operate a bridge and approaches thereto across the Rock River, in said town of Rockton.

The SPEAKER. Is there objection?

Mr. RAYBURN. Reserving the right to object, Mr. Speaker, what very urgent necessity is there at this time about the immediate passage of these bills?

Mr. FULLER. The present bridge has become dangerous and has been condemned. The authorities did not know that it was necessary to obtain the consent of Congress until they presented the plans to the State department of public works for approval. The matter is now held up, and they are unable to let the contract until they get the consent of Congress. It is an emergency case, and of pressing importance.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

*Be it enacted, etc.,* That the consent of Congress is hereby granted to the county of Winnebago and the town of Rockton, in said county, in the State of Illinois, to construct, maintain, and operate a bridge and approaches thereto across the Rock River, in said town of Rockton, county of Winnebago, and State of Illinois, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

Sec. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

With a committee amendment as follows:

Page 1, line 6, after the word "River," insert "at a point suitable to the interests of navigation."

The SPEAKER. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

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

Mr. FULLER. Mr. Speaker, I ask unanimous consent for the present consideration of the other bill.

The SPEAKER. The gentleman from Illinois asks unanimous consent for the present consideration of the bill H. R. 11409, which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 11409) granting the consent of Congress to the city of Ottawa and the county of La Salle, in the State of Illinois, to construct, maintain, and operate a bridge and approaches thereto across the Fox River.

The SPEAKER. Is there objection to the present consideration of this bill?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

*Be it enacted, etc.,* That the consent of Congress is hereby granted to the city of Ottawa and the county of La Salle, in the State of Illinois, to construct, maintain, and operate a bridge and approaches thereto across the Fox River on Main Street, in the said city of Ottawa, in accordance with the provisions of an act entitled "An act to regulate the construction of bridges over navigable water," approved March 23, 1906.

Sec. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

With committee amendments, as follows:

Page 1, line 5, after the word "Illinois," insert "their successors and assigns."

The SPEAKER. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The SPEAKER. The Clerk will report the next committee amendment.

The Clerk read as follows:

Page 1, line 7, strike out the word "on" and insert "at a point suitable to the interests of navigation at or near."

The SPEAKER. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The SPEAKER. The Clerk will report the next committee amendment.

The Clerk read as follows:

Page 2, line 1, strike out the word "water" and insert in lieu thereof the word "waters."

The SPEAKER. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

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

On motion of Mr. FULLER, a motion to reconsider the last two votes was laid on the table.

BUSINESS FROM THE COMMITTEE ON AGRICULTURE.

Mr. SNELL. Mr. Speaker, I present a privileged report from the Committee on Rules.

The SPEAKER. The gentleman from New York presents a privileged report from the Committee on Rules, which the Clerk will report.

The Clerk read as follows:

House Resolution 352 (Rept. No. 1028).

*Resolved,* That upon the adoption of this resolution the Committee on Agriculture shall have three legislative days prior to June 10, 1922, for the consideration of bills reported by that committee now on the House or Union calendars, this rule not to interfere with privileged business.

Mr. WALSH. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Massachusetts makes the point of order that there is no quorum present.

Mr. SNELL. Mr. Speaker, I move a call of the House.

The SPEAKER. The gentleman from New York moves a call of the House.

A call of the House was ordered.

The SPEAKER. The Doorkeeper will close the doors, the Sergeant at Arms will notify the absentees, and the Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

|                 |              |                  |               |
|-----------------|--------------|------------------|---------------|
| Ackerman        | Cullen       | Garrett, Tenn.   | Kleczka       |
| Atkeson         | Curry        | Goodykoontz      | Kline, N. Y.  |
| Barkley         | Dale         | Gould            | Knight        |
| Beck            | Davis, Minn. | Graham, Ill.     | Kraus         |
| Benham          | Dempsey      | Graham, Pa.      | Kunz          |
| Bland, Va.      | Dickinson    | Green, Iowa      | Langley       |
| Bolles          | Drane        | Greene, Mass.    | Larson, Minn. |
| Brand           | Drewry       | Griffin          | Layton        |
| Britten         | Driver       | Himes            | Linthicum     |
| Brooks, Pa.     | Dunbar       | Hudspeth         | McArthur      |
| Burke           | Dupré        | Hukriede         | McClintic     |
| Cantrill        | Edmonds      | Ireland          | McCormick     |
| Chandler, N. Y. | Ellis        | Jeffers, Nebr.   | McFadden      |
| Chandler, Okla. | Evans        | Jeffers, Ala.    | McPherson     |
| Clark, Fla.     | Fenn         | Johnson, S. Dak. | Maloney       |
| Classon         | Fess         | Johnson, Wash.   | Mann          |
| Cockran         | Fields       | Jones, Pa.       | Michaelson    |
| Cole, Iowa      | Fish         | Kelley, Mich.    | Mills         |
| Collins         | Fitzgerald   | Kendall          | Moore, Ill.   |
| Connolly, Pa.   | Focht        | Kennedy          | Morin         |
| Cooper, Ohio    | Fordney      | Ketcham          | Mott          |
| Copley          | Free         | Kindred          | Mudd          |
| Coughlin        | French       | King             | Nelson, Me.   |
| Crago           | Frothingham  | Kinkaid          | Nelson, A. P. |
| Cramton         | Gallivan     | Kitchin          | Nelson, J. M. |

|                  |                |               |             |
|------------------|----------------|---------------|-------------|
| O'Connor         | Robison        | Speaks        | Tinkham     |
| Olpp             | Rodenberg      | Stafford      | Treadway    |
| Osborne          | Rogers         | Stiness       | Upshaw      |
| Falge            | Rouse          | Stoll         | Valle       |
| Patterson, N. J. | Sanders, Ind.  | Strong, Pa.   | Vare        |
| Petersen         | Sanders, N. Y. | Sullivan      | Ward, N. C. |
| Rainey, Ala.     | Sears          | Sweet         | Wason       |
| Rainey, Ill.     | Shaw           | Tague         | Wood, Ind.  |
| Reavis           | Slemp          | Taylor, Ark.  | Yates       |
| Reber            | Smith, Mich.   | Taylor, Colo. | Zihlman     |
| Rhodes           | Smithwick      | Taylor, Tenn. |             |
| Riordan          | Snyder         | Tilson        |             |

The SPEAKER. On this roll call 285 Members have answered to their names. A quorum is present.

Mr. SNELL. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

The SPEAKER. The Doorkeeper will open the doors.

Mr. SNELL. Mr. Speaker, I ask unanimous consent that the rule may be reported again.

The SPEAKER. Without objection, the rule will be again reported.

The Clerk read the rule again.

Mr. SNELL. Mr. Speaker, it was the intention to arrange for three legislative days in which it should be in order for the chairman of the Committee on Agriculture to call up for consideration any one of the bills that that committee now has on the House or Union Calendar. It is not intended that this resolution will in any way interfere with privileged business or regular calendar days, nor is it intended that these legislative days must necessarily be successive ones.

Mr. GARNER. Will the gentleman yield?

Mr. SNELL. I yield to the gentleman from Texas.

Mr. GARNER. Has the gentleman a list of the bills in the order in which the Committee on Agriculture contemplates calling them up?

Mr. SNELL. I could not give the gentleman that information. I understand it is the intention of the chairman of the Committee on Agriculture to call up first the filled milk bill. Further than that I have not been informed.

Mr. GARNER. I wonder if the gentleman from Iowa [Mr. HAUGEN], chairman of the Committee on Agriculture, will accommodate the House with a list of the bills that he proposes to call up, in the order in which he proposes to call them?

Mr. HAUGEN. That is for the House to determine, but if the bills are called up in the order reported by the committee, and as they appear on the calendar, the first bill will be the so-called filled milk bill; the next, the bill to establish grades for spring wheat; the next, the Ward sugar resolution; the next, a Senate bill defining crop failures; the next, the DeRonde sugar claim; the next, an amendment to the cotton futures act, providing a grade for American-Egyptian cotton; the next, the Denison Mississippi River flood relief bill; the next, the bill prohibiting the importation of honey bees; and the next, the migratory bird and public shooting ground bill.

Mr. GARNER. Is that the order in which the gentleman proposes to call them up?

Mr. HAUGEN. That is the order in which they were reported and appear on the calendar.

Mr. GARNER. I want to know what the gentleman proposes to do about calling them up?

Mr. HAUGEN. The committee has instructed the chairman to do certain things.

Mr. GARNER. Will the gentleman mind telling us what those are?

Mr. HAUGEN. Unless otherwise ordered, the first would be the milk bill, next the grades of spring wheat, and next the Ward sugar resolution.

Mr. GARNER. Is that just as they are on the calendar?

Mr. HAUGEN. Just as they were reported.

Mr. GARNER. Was that order issued by the committee when the whole membership of the committee was present, or was that an arrangement made by the gentleman and his side of the House alone?

Mr. HAUGEN. The order of the committee was either to ask for a special rule, or that the chairman should avail himself of the privileges under the rules to expedite the business.

Mr. GARNER. But the last statement that the gentleman made was that the committee ordered him to do certain things. Was that in the whole committee when the entire membership was present, or was it a partisan matter?

Mr. HAUGEN. It was in the committee, a quorum present.

Mr. ASWELL. Will the gentleman yield?

Mr. HAUGEN. I yield to the gentleman.

Mr. ASWELL. The action of the committee did not specify any except three things.

Mr. HAUGEN. The action taken by the committee was, first, to report the filled milk bill, with authority to call it up in the House, and later requested a special rule on it. The next bill reported was the bill proposing grades for spring wheat, which carried with it authority to call it up at any time under the rules; and the next bill reported was the Ward sugar resolution, on which the committee later requested a rule. I am stating the bills exactly in the order reported and the authority carried with the motion to report the bills.

Mr. McLAUGHLIN of Michigan. Will the gentleman yield?

Mr. HAUGEN. Yes.

Mr. McLAUGHLIN of Michigan. Several of the members of the Committee on Agriculture appeared before the Committee on Rules and asked for special rules for the consideration of the Voigt filled milk bill and for the consideration of two of the sugar claims, so called. They made no request for any special time for the consideration of any other measures. The Committee on Rules found some difficulty in providing special rules for the particular kind of legislation brought to their attention by the Committee on Agriculture, and decided that instead of granting rules for the consideration of those three propositions, three days should be given by the House to the consideration of matters brought up by the Committee on Agriculture, with the express understanding—I say understanding—it was clearly intended by those who asked for the special time that the time should be given to the consideration of the Voigt bill and the two sugar claims. Now, the bringing in of these other matters, some of them important but none of them pressing, will result in delaying some of these matters, the early consideration of which was insisted on by the Committee on Agriculture.

Mr. KINCHELOE. Will the gentleman yield?

Mr. McLAUGHLIN of Michigan. Yes.

Mr. KINCHELOE. Does not the gentleman think that the bills of a public nature ought to have precedence over private claims?

Mr. McLAUGHLIN of Michigan. Oh, it depends on what those bills of a public nature are and the question of the disposition of the House later to consider them. The three bills I speak of must be considered now, and an attempt is being made to delay their consideration, with the idea that they will not later be considered at all. I object to the order in which these bills are to be presented to the House by the chairman of the committee. It is contrary to the spirit of the Committee on Agriculture and the idea they had in mind when they asked for this special order.

Mr. ASWELL. Will the gentleman yield?

Mr. McLAUGHLIN of Michigan. I yield to the gentleman from Louisiana.

Mr. ASWELL. Is it not a fact that the Committee on Agriculture made no request for the consideration of any other measures except these three—the Voigt bill and the two sugar claims?

Mr. McLAUGHLIN of Michigan. That is correct.

Mr. ASWELL. And the Committee on Agriculture has not requested a rule on any other subject?

Mr. McLAUGHLIN of Michigan. That is correct. The three measures I spoke of are the only ones for which special rules were requested, and these three days should be devoted to those measures. The time ought not to be taken up by the consideration of other matters.

Mr. WALSH. May I ask the gentleman a question?

Mr. McLAUGHLIN of Michigan. I yield to the gentleman from Massachusetts.

Mr. WALSH. Does the gentleman from Michigan say that the bill for grades of spring wheat was not included in its program?

Mr. McLAUGHLIN of Michigan. It was not included, although it had been favorably reported by the committee. Of course, it is expected that when a bill has been reported it will be presented by the chairman, but it was not one of those to be considered at this special time.

Mr. SNELL. Mr. Speaker, I yield 15 minutes to the gentleman from North Carolina [Mr. POU].

Mr. POU. Mr. Speaker, I yield 10 minutes to the gentleman from Texas [Mr. JONES].

Mr. JONES of Texas. Mr. Speaker, this is a very peculiar rule, as some of you here have noticed. It is a rule to give the Agricultural Committee a "field day" lasting for three days. I do not know how often a rule of this character has been brought in, but in the limited time I have been in Congress I have known of but few.

Mr. CAMPBELL of Kansas. Will the gentleman yield?

Mr. JONES of Texas. Not now.

Mr. SNELL. Will the gentleman yield?

Mr. JONES of Texas. I decline to yield. I do not know how often they bring them in; of course it is perfectly legitimate to bring them in, but it is an unusual method of bringing matters before the House. I will tell you why, in my judgment, it was brought in. There are two or three sugar claims against the United States Government that belong on the Private Calendar. The Rules Committee did not want to give a rule specifying these bills for consideration. So they gave us three days during which these sugar claims which are in the nature of private claims may be brought up without it appearing in the RECORD that they ordered these special matters to be brought up. That is why we have three days instead of having a special rule designating the bills. Of course, no member of the Agricultural Committee can well afford to vote against giving his own committee the privilege of proceeding in the House for three days or five days or any other number of days, because there are certain bills which are to be passed which are in the interest of agriculture; but there are some Members who would pass any kind of a rule which would make in order these sugar claims.

These bills, the Ward resolution, and others are for the relief of private individuals. It is true they were referred to the Union Calendar. They were thus referred because some similar bills a year or so ago were reported and went to the Union Calendar. As they were worded at that time they were public in their nature. Then, of course, when they were reintroduced, as they did not pass last year, the wording was changed and they were again referred to the Union Calendar. But no one who will study those bills will say that they are not private bills.

One of them is for the American Trading Co. as a beneficiary and for B. H. Howell & Co. The rule says that the committee shall have the right to bring up and bring in the bills now on the Union or House Calendar. If they were referred to the Private Calendar, where they belong, you could not keep them from being in here under this rule. Now, Hinds' Precedents, volume 7, page 879, says:

A private bill is a bill for the relief of one or several specified persons, corporations, institutions, etc., and is distinguished from a public bill which relates to public matters and deals with individuals only by classes. A bill which applies to a class and not to individuals as such is a public bill. A bill for the advantage of private individuals even in connection with the public object has been treated as a private bill.

Many rules have been presented, but so far as I know these rules have not given right of way to private bills, and I do assert that there has never so far as I have been able to find a special rule been given for a private bill. Has there?

Mr. CAMPBELL of Kansas. I have no recollection of it, but we have given three days or a week to the Military Committee, the Committee on Banking and Currency, and other committees to bring up such bills as were reported from their committees.

Mr. JONES of Texas. That may be true, but has the Rules Committee ever given a rule for the consideration of a private claim against the United States?

Mr. CAMPBELL of Kansas. I have no recollection of any.

Mr. JONES of Texas. Did not the Rules Committee have in mind these sugar claims when they passed this general rule?

Mr. CAMPBELL of Kansas. The committee knew that the sugar bills were on the Union Calendar.

Mr. JONES of Texas. Did not the committee first have a special rule for the Voigt bill and then take it back?

Mr. CAMPBELL of Kansas. I have no recollection of it.

Mr. JONES of Texas. Did not they run against a snag when they came to the sugar claims and then take back the rule on the Voigt bill?

Mr. CAMPBELL of Kansas. No. They gave the committee three legislative days to consider all measures on the Union Calendar.

Mr. JONES of Texas. That is where the rub comes. The information I received was that the Voigt bill was first up and they had an application for a special rule on that.

They first considered reporting out the Voigt bill. After that they came to these sugar claims; and the question was raised—and nobody can gainsay the fact—that, being for the relief of private individuals, they are in the nature of private claims. Some members of the Rules Committee told me—and they were men who were well informed and good parliamentarians—that never in the history of Congress, so far as they knew, had a special rule been reported for the consideration of private claims.

Mr. CAMPBELL of Kansas. Are there any bills covered by this rule that are on the Private Calendar?

Mr. JONES of Texas. That is where the trouble arises. The rule is very artfully worded.

Mr. CAMPBELL of Kansas. No; it is not artfully worded.

Mr. JONES of Texas. The rule provides for the consideration of bills now on the Union Calendar. I just explained how an error was made in referring these bills; but even now, if we had them referred to the Private Calendar—if I made a motion after the committee gets charge of affairs in the House to transfer the bills to the Private Calendar, where they properly belong—under the wording of the rule, when it is once adopted, these sugar claims, which involve several millions of dollars, could be considered, even though they ought to be on the Private Calendar.

Mr. MOORE of Virginia. Mr. Speaker, will the gentleman yield?

Mr. JONES of Texas. Yes.

Mr. MOORE of Virginia. Can the gentleman explain to us why we should be dealing with private bills under a special rule, when there are rules that have been ordered by the Committee on Rules that pertain to very important public matters which remain up to this time in the breast, or rather in the breast pocket, of the chairman of the Committee on Rules?

Mr. CAMPBELL of Kansas. Does the gentleman ask me that question?

Mr. MOORE of Virginia. No; I am asking the gentleman from Texas [Mr. JONES].

Mr. JONES of Texas. I do not know why that is so. It seems passing strange to me that when no one can cite an instance of where a rule was presented for the consideration of private claims, that committee should come in and camouflage the matter by reporting a rule giving the Committee on Agriculture three field days and then have the chairman of the Committee on Agriculture get up and say that they expected to bring up the sugar claims. Of course they do; but the Committee on Rules apparently did not have the nerve to report out a rule for the consideration of a public bill and then follow it with a special rule for the consideration of a private bill. However, with some knowledge of what the Committee on Agriculture intended to do and what they expected to have done, the Committee on Rules now reports out a rule which not only makes it possible to bring up these private claims, but they so word the rule that when the Committee on Agriculture gets charge of matters in the House, if some one tries to have these bills referred to the Private Calendar, they can still be considered, because the rule is so worded to include bills "now on the Union and House Calendars." They would still then be covered by the rule.

I assert that the three-day provision was an afterthought. I appeared before the committee, as did a number of others, in opposition to these sugar claims. Nobody before the Rules Committee said anything about a three-day rule. The House Committee on Agriculture never requested a three-day rule. They simply requested a special rule for the Voigt bill and a special rule for the sugar claims, and when it came up to the final test, getting down to the cold steel of the proposition, the Committee on Rules said, "Nay, nay, we are not going to report a special rule for a private claim, because somebody will raise the question that there are public bills that ought to be considered under a special rule, and that we ought not to report a special rule for the consideration of private claims."

Mr. POU. Mr. Speaker, I yield five minutes to the gentleman from Kentucky [Mr. KINCHELOE].

Mr. KINCHELOE. Mr. Speaker, I want to say to the membership of this House now that, in my judgment, if it had not been for the activity of some very enthusiastic gentlemen for these sugar bills, there would not have been a rule reported to this House even for the Voigt bill. Here are two private claims, on behalf of private individuals and corporations, where we are asked to appropriate over \$3,500,000 out of the Treasury of the United States to reimburse these people for some transactions they entered into while profiteering in sugar all over the country was rampant. The Agricultural Committee, by a majority report, reported these sugar bills to the House, and by some unknown method they went on the Union Calendar and not on the Private Calendar, where they belong. They could not show much speed there. I say to you that this Voigt bill is a public bill and it is all right to consider it, but its consideration is a secondary matter, so far as bringing out this rule is concerned.

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

Mr. KINCHELOE. Yes.

Mr. BANKHEAD. How much is involved in these two sugar claims?

Mr. KINCHELOE. About \$3,500,000 in these, and about \$750,000 in one that is now pending before the Committee on Agriculture. How many more there are I do not know. They got these bills on the Union Calendar, and then rushed to the Rules Committee, and if I am not mistakenly informed the Committee on Rules did agree to report the rule for the consideration of the Voigt bill, because it is a public bill, and then every

member of that committee knew that these two sugar claims ought to be on the Private Calendar, and every man in this House knows it. How they got on the Union Calendar, I do not know.

The Rules Committee did not want to break a precedent. These bills are on the Union Calendar, and if they had been on the House Calendar that committee knew they had no right to report a rule for their consideration. But now they bring out a shotgun rule, wide open as a bootjack, and they give three field days, as the gentleman from Texas says, to the Committee on Agriculture. What is on the calendar of a public nature? The gentleman from Illinois [Mr. DENISON] came there with a bill asking for an appropriation of a million dollars to buy seed for the flood-stricken farmers of the Mississippi Valley, and it was reported out unanimously. It is on the calendar. You do not hear of any rule for that bill. The game-refuge bill is a bill of a public character and it is on the Union Calendar, where it belongs. The Committee on Rules is not anxious about that. Then there is the bee bill. Officials of the Agricultural Department testified before the committee that unless we stopped the importation of bees from Europe the bee industry of this country is likely to be destroyed by a peculiar disease. That bill is on the calendar. There is no effort to bring that up. It will not be brought up in these three days, because the sugar claims of private individuals have the board. Within the walls of this Capitol and House Office Building is the most gigantic lobby I have ever seen since I have been in Congress for these sugar bills, and the flood-stricken farmers of the Mississippi Valley must step back, because the Congress is going to take up these private bills.

Mr. BLAND of Indiana. Mr. Speaker, will the gentleman yield?

Mr. KINCHELOE. Yes.

Mr. BLAND of Indiana. I did not get the significance of the statement of the gentleman from Texas [Mr. JONES] to the effect that if these bills were referred to the Private Calendar nevertheless this rule would permit their consideration.

Mr. KINCHELOE. If these bills had not been placed on the Union Calendar—I want the gentleman from Kansas to hear me—the Committee on Rules would not have given the rule, because—

Mr. BLAND of Indiana. That is, if it was referred in the House.

Mr. JONES of Texas. I said that even if we sent the sugar bills to the Private Calendar, where they belong, after the rule is adopted, and the Agricultural Committee has charge of this matter, they would still have the right of way, because the rule says that bills now on the Union Calendar and House Calendar may be considered; so after the adoption of the rule, even though they were transferred, they would still have the right of way under the rule.

Mr. KINCHELOE. As the gentleman from Texas says, the members of the Agricultural Committee are in an attitude where we can not afford to vote against this rule.

Mr. RUCKER. Why not?

Mr. KINCHELOE. Because there are some bills of a public nature on the calendar that ought to be considered; that is the idea.

The SPEAKER. The time of the gentleman has expired.

Mr. WALSH. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. WALSH. Does the adoption of this rule include the raising of the question of consideration against any bill that the Agricultural Committee brings up?

The SPEAKER. The Chair thinks not.

Mr. KINCHELOE. I did not yield for a parliamentary inquiry.

Mr. WALSH. But the gentleman's time had expired.

Mr. KINCHELOE. Has my time expired?

The SPEAKER. It has.

Mr. LONDON. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. LONDON. Can the rule be amended from the floor?

The SPEAKER. It can, unless the previous question is ordered.

Mr. LONDON. Would the inclusion of the word "public" before the word "bill" in the resolution meet the objection raised by Members?

Mr. SNELL. I yield five minutes to the gentleman from Kansas—

Mr. RAYBURN. I desire to submit a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. RAYBURN. At what time would it be proper to make a motion to refer back to the committee a bill that has been reported to the House by a committee?

The SPEAKER. The Chair does not understand the gentleman's inquiry.

Mr. RAYBURN. This bill here, of course, went to the Committee on Agriculture improperly, because the only thing in the bill is that which denies the instrumentalities of interstate commerce to this product. At what time would it be proper to make a motion to refer that to the Committee on Interstate and Foreign Commerce?

The SPEAKER. To rerefer it?

Mr. RAYBURN. Or refer it.

The SPEAKER. At the proper time for a motion to recommit, after the third reading of the bill, or in the morning immediately after the reading of the Journal. Those are the only times when the motion is in order.

Mr. RAYBURN. That is the ruling of the Chair, that that is the only time it can be done?

The SPEAKER. The status is this: When a bill has been referred to a committee, in the morning after the reading of the Journal any gentleman authorized by the committee can move to rerefer, but after the committee has reported the bill that settles the question of jurisdiction, and it can then be made only after the third reading of the bill.

Mr. RAYBURN. Would it not be proper when the bill is called up for consideration to make that motion?

The SPEAKER. The Chair thinks not.

Mr. SNELL. I maintain it is on the proper calendar at the present time. I yield five minutes to the gentleman from Kansas [Mr. TINCHER].

Mr. TINCHER. Mr. Speaker and gentlemen, I do not feel right in adopting this rule without making a suggestion. I want first the House to understand the sugar claim bills are not on any calendar and are not reported by the Agricultural Committee by a unanimous report. There is a substantial minority, of which I am proud to be a member, opposed to those bills, but it is true that by a majority vote the Committee on Agriculture instructed the chairman to ask for a special rule for the consideration of those bills. Mr. VORER had had a vote of the committee instructing him to ask for a special rule for the consideration of the so-called filled milk bill. I appeared before the Committee on Rules and protested against granting any special rule for the consideration of the sugar claims and we had a hearing. Now, as far as the Voigt bill was concerned, I remember the exact situation that morning. There was a sentiment in the committee to grant a rule, which was presented by Mr. HAUGEN, chairman of the committee, and there was no written rule introduced, and the matter stopped in that way. The proponents of the special rule for the consideration of the sugar claims took all of the time of the Committee on Rules that morning and I raised the question; I wanted to be heard on the merits of whether a special rule should be granted, and made the point of order that the Committee on Rules should not consider the granting of any special rule for the consideration of those bills, because those bills were improperly assigned and they should be on the Private Calendar. I do not think anyone seriously will contend for a moment that they should not be on the Private Calendar. The Rules Committee—

Mr. CLARKE of New York. Will the gentleman yield?

Mr. TINCHER. I can not. The Rules Committee said that they would give us a chance to protest to the granting of a special rule to that effect, and one gentleman on the Democratic side of the House suggested that as it was a matter of taking jurisdiction and an application for a special rule that the committee should go into executive session. They did, and the next information I had was that the Rules Committee had by unanimous vote granted the Committee on Agriculture so many days, and I assumed that if the Committee on Agriculture had so many days for the consideration of measures in this House that the chairman of that committee should be permitted under the ordinary procedure here to call up bills which are of public interest and should be considered.

And if he does that, it will take more than three days for the consideration of the public bills. I want to say now that if the sugar claims come up, with this proposition to take money from the Public Treasury to pay the sugar dealers of the country, or to save them from loss, I shall be found with those who are opposed to the claims, and fight them to the limit. [Applause.]

Mr. SNELL. Mr. Speaker, I yield five minutes to the gentleman from Wyoming [Mr. MONDELL].

Mr. MONDELL. Mr. Speaker, I am unable to understand the attitude of some of the gentlemen on the minority side touching this matter. The Committee on Rules, I understand, unanimously reported a rule giving the Agricultural Committee three days. During the discussion of the merits of such a rule certain bills were referred to as bills that were likely to be brought

up. Now, some of the gentlemen on the minority side have been trying for several days to create the impression that there was something wrong, something improper, in bringing to the attention of the House bills regularly reported from the Agricultural Committee. Notwithstanding what certain other gentlemen may think about it, I do not think there is any sort of question but that the Speaker was justified in making the reference he did of these bills, and I am quite sure that the members of the Agricultural Committee themselves would have complained if these bills had gone to the Claims Committee. They are not claims. If they have merit it grows out of the fact that certain people acted as agents of the Government. I do not pretend to say whether they did or no. That is a matter for the House to determine when the evidence is presented. But it is an extraordinary thing that whenever anyone proposes to consider legislation having anything to do with acts of or the obligations arising out of the acts of the former Democratic administration gentlemen on the Democratic side protest. There is no sort of question but that the Department of Justice under the Wilson administration, the Department of State under the Wilson administration, did acknowledge or refer to certain people as agents of the Government in the purchase of sugar. Your administration so acknowledged them. It is for the House to determine whether they were such and whether there is an obligation arising out of that fact. But your State Department officials under their signatures so announced and acknowledged them. If what is proposed is fair and proper—and I do not now express any opinion in regard to them—it is because there is an obligation laid upon the Congress by the acts of the former administration.

One would judge from what you gentlemen say in regard to these matters that we are expected to turn our backs on anything and everything that has come to us from the former administration and to assume that it can not have any virtue because it did come from your administration. [Applause.] I am willing to admit that there is ground for argument along that line, but so far as we are concerned we are willing to give the former administration and its officials—they are the people whose case is presented here—opportunity to be heard. That is what these cases are. And I think it would be very proper to bring them up for consideration before the House.

The SPEAKER. The time of the gentleman from Wyoming has expired.

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

Mr. SNELL. I yield one more minute to the gentleman from Wyoming.

Mr. LONGWORTH. I simply wanted to ask to what committee these bills were referred in the Senate? They were treated as public measures, I am sure.

Mr. MONDELL. There is no manner of question but that they were treated as public measures. They involve the question of whether or no there is an obligation on the Government under one of its war laws.

Mr. SNELL. Will the gentleman yield?

The SPEAKER. The time of the gentleman has expired.

Mr. SNELL. Mr. Speaker, I yield one minute to the gentleman from North Carolina [Mr. POU].

Mr. POU. I yield one minute to the gentleman from New York [Mr. LONDON].

Mr. LONDON. Mr. Speaker, to use the language of politics, there is too much "sugar" about this rule. The objection can be easily met by amending the rule by inserting the word "public" before the word "bills," so that the Agricultural Committee would be enabled to take up only public bills. It is natural that a Democrat should be suspicious of any war claim that is approved by the Republicans, because during the war all the Democrats could possibly do would be to make themselves guilty of petty larceny, while the grand larceny was committed by the Republicans.

Mr. Speaker, I want to know when an opportunity will be offered to present this amendment to the House?

The SPEAKER. The Chair will recognize the gentleman to make the motion under the rules when it is in order.

Mr. SNELL. Mr. Speaker, I yield three minutes to the gentleman from Kansas [Mr. CAMPBELL].

Mr. CAMPBELL of Kansas. Mr. Speaker, there is a tempest in a teapot here this morning over a question of adopting a rule similar to rules that have been adopted in this House ever since I have been a member of the Committee on Rules. During the period of the war we brought in rules here giving the Agricultural Committee, the Committee on Military Affairs, the Committee on Naval Affairs, the Committee on Banking and Currency, or any other committee that had accumulated a great deal of business on the calendars, days on which to transact

their business. Therefore that part of the rule is not at all unusual.

The gentleman from Texas [Mr. JONES], a member of the Committee on Agriculture, raises the question that this rule makes in order the consideration of bills that should be on the Private Calendar. Well, the gentleman from Texas, being a member of the Committee on Agriculture, should have raised that question in the Committee on Agriculture rather than now. [Applause.] The gentleman from Kentucky [Mr. KINCHELOE] should have raised the question in the Committee on Agriculture.

Mr. JONES of Texas. Will the gentleman yield?

Mr. CAMPBELL of Kansas. No; I can not. The Committee on Agriculture had jurisdiction of these bills in the Senate, had jurisdiction of them here, and reported them, and they are on the Union Calendar.

Mr. KINCHELOE. Will the gentleman tell me which calendar they should be on?

Mr. CAMPBELL of Kansas. This rule makes in order bills reported by the Committee on Agriculture now on the House or Union Calendar. Even the gentleman from Kentucky should know that the Committee on Agriculture does not report bills to the Private Calendar. These bills are on the House and Union Calendars, and the Committee on Agriculture, as soon as the rule is adopted, will have the right to call up any bill which is on the House or Union Calendar, and that is all this rule provides for.

Mr. SNELL. Mr. Speaker, I move the previous question on the resolution.

Mr. LONDON. Mr. Speaker, can the amendment be offered now?

The SPEAKER. It can not. The question is on ordering the previous question.

The question was taken, and the Speaker announced that the ayes seemed to have it.

Mr. JONES of Texas. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. JONES of Texas. Would it be in order to move to recommit the rule to the Committee on Rules with instructions to report the same back with an amendment?

The SPEAKER. Except that the rules do not allow it.

Mr. SNELL. Except that it is not permissible under the rules of the House.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

#### FILLED MILK.

Mr. HAUGEN. Mr. Speaker, I call up the bill H. R. 8086.

The SPEAKER. The gentleman from Iowa calls up the bill H. R. 8086. The Clerk will report it.

The Clerk read as follows:

A bill (H. R. 8086) to prohibit the shipment of filled milk in interstate or foreign commerce.

*Be it enacted, etc., That whenever used in this act—*

(a) The term "person" includes an individual, partnership, corporation, or association;

(b) The term "interstate or foreign commerce" means commerce (1) between any State, Territory, or possession, or the District of Columbia, and any place outside thereof; (2) between points within the same State, Territory, or possession, or within the District of Columbia, but through any place outside thereof; or (3) within any Territory or possession, or within the District of Columbia; and

(c) The term "filled milk" means any milk, cream, or skimmed milk, whether or not condensed, evaporated, concentrated, powdered, dried, or desiccated, to which has been added, or which has been blended or compounded with, any fat or oil other than milk fat, so that the resulting product is in imitation or semblance of milk, cream, or skimmed milk, whether or not condensed, evaporated, concentrated, powdered, dried, or desiccated.

Sec. 2. It shall be unlawful for any person to manufacture within any Territory or possession, or within the District of Columbia, or to ship or deliver for shipment in interstate or foreign commerce, any filled milk.

Sec. 3. Any person violating any provision of this act shall upon conviction thereof be subject to a fine of not more than \$1,000 or imprisonment for not more than one year, or both; except that no penalty shall be enforced for any such violation occurring within 30 days after this act becomes law. When construing and enforcing the provisions of this act, the act, omission, or failure of any person acting for or employed by any individual, partnership, corporation, or association, within the scope of his employment or office, shall in every case be deemed the act, omission, or failure of such individual, partnership, corporation, or association, as well as of such person.

Mr. JACOWAY. Mr. Speaker, how much time does the gentleman from Iowa propose for discussion?

Mr. HAUGEN. Mr. Speaker, I ask unanimous consent that the bill be considered in Committee of the Whole House on the state of the Union; and pending that, I ask that the general debate be limited to—what time would the gentleman from Arkansas suggest?

Mr. JACOWAY. I would suggest one hour and a half for each side.

Mr. HAUGEN. I ask unanimous consent that the debate be limited to three hours, one half to be controlled by the gentleman from Arkansas [Mr. JACOWAY] and the other half by the gentleman from Wisconsin [Mr. VOIGT].

The SPEAKER. The gentleman from Iowa asks unanimous consent that this bill be considered in Committee of the Whole House on the state of the Union and that the general debate be limited to three hours, one half to be controlled by the gentleman from Arkansas [Mr. JACOWAY] and the other half by the gentleman from Wisconsin [Mr. VOIGT]. Is there objection?

There was no objection.

The SPEAKER. The gentleman from New York will please take the chair.

Thereupon the House resolved itself into Committee of the Whole House on the state of the Union for consideration of the bill H. R. 8086, with Mr. HICKS in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 8086, which the Clerk will report.

The bill was again read.

The CHAIRMAN. Under the order of the House, the time on this debate is limited to three hours, one half of the time under the control of the gentleman from Wisconsin [Mr. VOIGT] and the other half under the control of the gentleman from Arkansas [Mr. JACOWAY]. The Chair recognizes the gentleman from Wisconsin.

Mr. VOIGT. Mr. Chairman, I yield myself 15 minutes.

The CHAIRMAN. The gentleman from Wisconsin is recognized for 15 minutes.

Mr. VOIGT. Mr. Chairman and gentlemen, the object of this bill which I have introduced is to exclude from interstate and foreign commerce, and to prevent the manufacture of, in the District of Columbia and in the Territories and possessions, an article which is known as filled or oiled milk.

Filled milk is a compound or imitation of milk which has come onto the market in the United States during the last five or six years. The article consists of a combination or compound of condensed skimmed milk and coconut oil. The manufacture of this article is carried on in the same factories where the ordinary evaporated or condensed milk is made; that is, some of the same people in the country that are making evaporated milk are manufacturing this product as a side line, and the manufacture of the substitute has assumed such alarming proportions in the last few years that something should be done to curb it.

The sale of this article is a fraud upon the public, and it is a fraud upon the men who are engaged in the milk and dairy business and in the manufacture of legitimate condensed and evaporated milk. These people who are making this product take the whole milk as it comes from the farmer and separate it, take out the cream, which is the valuable constituent, then condense the skimmed milk to about one-half of the volume, and add coconut oil equal to the quantity of butter fat removed. The resulting mixture, when the coconut oil and condensed skimmed milk are emulsified and combined in the factory, is an exact imitation of evaporated milk. It looks and tastes exactly like evaporated milk, and the consumer can be easily defrauded into buying it for the genuine article.

Mr. JOHNSON of Mississippi. Mr. Chairman, will the gentleman yield?

Mr. VOIGT. Yes.

Mr. JOHNSON of Mississippi. Is that milk injurious or unwholesome or deleterious to health?

Mr. VOIGT. I will say that the filled milk is not a poisonous product, but it is a fraudulent product, in that the consumer is not getting what he thinks he is buying. The evidence adduced before our committee was overwhelming that the filled milk was sold on the shelves of the retailers side by side with the genuine article, and in most cases it was being sold for the same price. I object to filled milk not so much for what is in it as for what is not in it.

Milk is by far the one most important food article which we have. There is no substitute for milk, and the general health of our people would be immensely benefited if we consumed three or four times as much milk and cheese as we actually do. We can not gain anything by permitting people to put a fraudulent substitute for milk on the market.

Mr. WALSH. Mr. Chairman, will the gentleman yield for a question?

Mr. VOIGT. Yes.

Mr. WALSH. Did the committee hold any hearings on this bill, H. R. 8086?

Mr. VOIGT. I will say to the gentleman that originally I introduced the bill H. R. 6215, which was an amendment to the pure food and drugs act. That bill I submitted to the Secretary of Agriculture and he objected to it because he did not approve of specifying any particular food product in the pure food and drugs act. But representatives of the department appeared before the committee and expressed themselves in favor of legislation to curb the production and sale of filled milk. Then, after the hearings were completed, I re-drafted the bill in its present form. The subject matter of both bills is the same. I think that will answer the gentleman's question.

Mr. WALSH. This bill is the result of the hearings, but no hearings have been held on this particular bill?

Mr. VOIGT. This bill was drafted after the hearings were closed. It was not necessary to hold further hearings, because the difference in the bills is largely a matter of form. No one requested additional hearings.

Mr. JOHNSON of Mississippi. If this filled milk is not injurious, deleterious, or unwholesome to health, in view of the first child-labor-law decision, what constitutional authority have you for prohibiting its shipment in interstate commerce?

Mr. VOIGT. I do not concede that this filled milk is not injurious. I shall speak of the constitutional question later on.

Mr. JOHNSON of Mississippi. That is why I asked the question a while ago.

Mr. VOIGT. If a small quantity of filled milk is consumed by an adult person it will not injure him any more than if he consumes a mixture of half milk and half water. But the gentleman will concede that he would not approve of permitting anybody to sell such a mixture. Filled milk is positively injurious to children and will affect the health of an adult if he uses it in place of milk.

Mr. JOHNSON of Mississippi. That suggests this question: Can we not remedy that by requiring the manufacturers to place on the container a statement of the constituent elements of the filled milk?

Mr. VOIGT. A statement of the constituent elements is now placed upon the container, but the difficulty is that the manufacturers of this article put this filled milk into a container of the same size and style as the other, and it is put on the shelves in retail stores side by side with the genuine product, and the testimony offered before the committee was overwhelming that when people went in and asked for evaporated milk, or for a can of milk, in many cases they were handed this fraudulent substitute, which costs the retailer about 3 cents per can less.

Mr. JOHNSON of Mississippi, Mr. NEWTON of Minnesota, and Mr. DOWELL rose.

Mr. VOIGT. I shall yield for a brief question, but I must proceed with my statement.

Mr. JOHNSON of Mississippi. Is that the reason for not shipping in interstate commerce?

Mr. VOIGT. That is one of the reasons.

Mr. JOHNSON of Mississippi. Will the gentleman tell us the others?

Mr. VOIGT. I am trying to tell the committee as rapidly as I can speak what the bill is about and what the objections are to this substitute.

Mr. DOWELL. Just one question. What about the nutrition in filled milk as compared with pure milk?

Mr. VOIGT. I intend to speak about that. I will say to the gentleman that Doctor McCollum, of Johns Hopkins University, who is probably the greatest expert on nutrition in the world, has conducted something like 4,000 feeding experiments on animals, and he finds that if rats, for instance, are fed on such articles as you would have on your table, good wholesome food, but are left without milk and are fed on this filled milk, they will die of disease in a very short time. The vitamins which have been found so necessary for the growth of infants and children and for the grown body as well are absent from this filled milk.

Mr. DOWELL. It is not fair to put it in competition with pure milk, as to the nutritious qualities of it?

Mr. VOIGT. Absolutely not. The vital, growth-producing, health-giving elements of milk known as the vitamins are almost wholly lacking in this substitute. Coconut oil contains no vitamins, nor does any other vegetable oil.

Mr. LAZARO. Will the gentleman yield?

Mr. VOIGT. I yield briefly to the gentleman from Louisiana.

Mr. LAZARO. Just for a short statement. While the filled milk does not contain any poison, if an ignorant person goes to the store and buys a can of filled milk and feeds it to his children and does not know that his children are getting milk that contains no elements of nutrition his children are being poisoned in an indirect way.

Mr. VOIGT. That is the point exactly. Anyone feeding this article to children with the idea that they are getting evaporated milk is seriously imperiling their health. A child fed on this substitute will develop rickets, and eye disease, and is liable to tuberculosis, because that child is not getting the nutrition contained in normal whole milk.

Mr. NEWTON of Minnesota. Will the gentleman yield?

Mr. VOIGT. I will yield briefly to the gentleman.

Mr. NEWTON of Minnesota. I have been very much interested in the pamphlet sent out based upon the experiments made by Professor McCollum, of Johns Hopkins. It shows that rats fed with this filled milk develop eye trouble. I am wondering if before the committee there was any contention made by anyone disputing the conclusions and findings of Professor McCollum?

Mr. VOIGT. No, sir.

Mr. NEWTON of Minnesota. So that the record stands undisputed.

Mr. VOIGT. The report which the gentleman has in his hand as to these experiments is absolutely undisputed. If you will read this pamphlet you will learn just how Professor McCollum made these experiments. There was some question raised in the committee, and the gentleman from Louisiana [Mr. ASWELL] asked Doctor McCollum if he would experiment on rats with filled milk. Doctor McCollum made that experiment and here is the result of it. [Showing picture.] It shows that if rats are fed on good food, such as bread and beefsteak and articles that you would eat at your table, but instead of milk are fed this filled milk, they will rapidly decline and die of disease in a very short time. Here in this pamphlet are the pictures of two rats of equal age that were taken at the same time. One of them was fed on evaporated milk and the other fed on filled milk, but otherwise their diet remained the same. This rat on the right was fed the substitute and in something over 100 days grew to only one-half the size of the other one besides contracting a fatal eye disease which killed it. Take a look at this picture and you will see the bright eye of the rat fed on legitimate evaporated milk and then look at the other one.

Mr. BUTLER. Will the gentleman yield?

Mr. VOIGT. I will.

Mr. BUTLER. I am sure that if I were a rat I would not want to be fed on this substitute. Has the gentleman the result of any experiments on a human being?

Mr. VOIGT. I have learned of some cases where children were fed by the parents on filled milk and that physicians found them in very poor condition.

Mr. BUTLER. It failed to nourish the children?

Mr. VOIGT. Yes, and developed disease in them; but when the children were fed on a good milk diet they recuperated rapidly.

Mr. McCLINTIC. Will the gentleman yield?

Mr. VOIGT. Yes.

Mr. McCLINTIC. Was there any testimony from farm organizations as to the effect that this legislation will have if it is enacted into law?

Mr. VOIGT. I will say that every farm organization that has a representative in the city of Washington is for this bill.

Mr. WILLIAMSON. Will the gentleman yield?

Mr. VOIGT. I will.

Mr. WILLIAMSON. Is it not a fact that this filled milk is sold largely to the poor and ignorant; for instance, on the East Side of New York, where they are not educated in the grades of milk?

Mr. VOIGT. Yes. Some of the organizations that are interested in this legislation sent out observers in the city of Philadelphia and in my State of Wisconsin, and they found that in the good residential sections of cities, where people were able to read the labels, it was not sold, but they found it in the stores patronized by the less well to do and foreigners. In some instances it has been found in the homes of intelligent people, who never read the label.

Mr. RAKER. Will the gentleman yield?

Mr. VOIGT. I will.

Mr. RAKER. In the bill in line 8, page 2, you use the words "powdered, dried, and desiccated." What is the difference between those three terms?

Mr. VOIGT. There is no difference; these words are used interchangeably by the trade. The idea is to cover all forms of milk.

Mr. RAKER. The bill provides that if there is any fat whatever added to the powdered, dried, or desiccated milk, or other form of milk, even though there is no substance taken from the milk before it is dried, the bill applies. Suppose you

took 10 gallons of milk and dried it as they do in California, if you put any fat at all into it the bill applies to that.

Mr. VOIGT. Yes. The bill prohibits the shipment of any form of milk which has been in any way adulterated with oil or fat, except butter fat that comes from the cow. That is necessary for this reason: It was discovered that in the city of New York men took milk and added coconut oil because it gave it a creamy consistency and sold the article for cream. There was a concern organized in Philadelphia to manufacture this so-called cream.

Mr. RAKER. Take the cream without any dilution, evaporate it so that it is dried powder; now, if you put in any sort of material, if you put in any fat except butter fat, under this bill it would be prohibited from interstate commerce.

Mr. VOIGT. Yes.

Mr. RAKER. Did the committee find out that any addition to the natural cream dried was unhealthy?

Mr. VOIGT. We did not find that that method was being pursued. I do not know of any manufacturer in the United States who is doing that. The people who are using coconut oil are using it as a substitute for butter fat in milk. They are not using it except for the purpose of making milk appear as cream, or skimmed milk as evaporated milk.

Mr. RAKER. This is intended to cut-off the fraud?

Mr. VOIGT. It is.

Mr. SMITH of Michigan. Will the gentleman yield?

Mr. VOIGT. Certainly.

Mr. SMITH of Michigan. What other ingredients do they use to adulterate milk besides coconut oil?

Mr. VOIGT. I understand occasionally a small amount of peanut oil is used, but that is rather negligible.

There is a great incentive on the part of the retailer to sell this in preference to the genuine. The evidence before the committee showed that the ingredients in a pound can of this substitute cost the manufacturer a fraction less than 2 cents, whereas the milk for a pound of legitimate evaporated milk costs about 3 cents more.

Mr. BUTLER. Will the gentleman yield?

Mr. VOIGT. Yes.

Mr. BUTLER. Is there no law existing by which that fraud can be avoided?

Mr. VOIGT. No.

Mr. BUTLER. And it requires a bill of this kind?

Mr. VOIGT. Absolutely. I will say that I think the spirit of the pure food law covers this article, but the manufacturers escape by using a trade name instead of calling it milk. The act provides that an article of food shall be considered adulterated—

if any substance has been mixed and packed with it so as to reduce or lower or injuriously affect its quality or strength—

Or—

if any substance has been substituted wholly or in part for the article—

Or—

if any valuable constituent of the article has been wholly or in part abstracted—

And shall be considered misbranded—

if it be an imitation of or offered for sale under the distinctive name of another article.

But the manufacturers escape under a proviso to section 8 that an article shall not be considered adulterated or misbranded—

in the case of \* \* \* compounds \* \* \* under their own distinctive names, and not an imitation of or offered for sale under the distinctive name of another article.

The manufacturers use the same size cans as for evaporated milk, and put on such names as "Hebe," "Carolene," "Enzo," "Silver Key," "Nutro," and "Nyko."

Mr. LAZARO. Will the gentleman yield?

Mr. VOIGT. Yes.

Mr. LAZARO. How much peanut oil is used in the preparation with the coconut oil?

Mr. VOIGT. A very small quantity; I do not know how much. The manufacturers of the substitute extract the cream and take the same quantity of coconut oil to replace it. For instance, they will take out of the milk 7 or 8 per cent butter fat and then substitute 7 or 8 per cent by weight of coconut oil. The butter fat extracted from the milk is worth 40 or 50 cents a pound, while coconut oil can be purchased for from 8 to 10 cents a pound.

Mr. NORTON. Mr. Chairman, will the gentleman yield?

Mr. VOIGT. Yes.

Mr. NORTON. Are not all of these cans labeled with exactly what they contain?



Mr. VOIGT. Yes; but they are labeled in a fraudulent way, because they do not tell the consumer that the valuable part of the milk has been extracted.

Mr. NORTON. But they do tell exactly what is contained in it.

Mr. VOIGT. From a technical standpoint they do, but there is not one individual in ten thousand, after he sees the label, who knows what is in the can.

Mr. SMITH of Michigan. These things are in fine print.

Mr. VOIGT. I have here a full-page advertisement of "Nutro" in the Chicago Tribune. This advertisement says:

Nutro is a delicious and nutritious new milk product. It is prepared in the rich dairying districts of Wisconsin and Indiana, and made of pure, fresh cow's milk with the animal fats extracted and essential food values replaced by a refined, rich, sweet, purely vegetable coconut fat.

Nutro is pure, delicious, wholesome. It is prepared in model condenseries from pure cow's milk evaporated to double strength, with the animal fats extracted and then enriched with sweet, edible, highly refined coconut fat.

I submit that the reader gets the impression that Nutro is a better article than evaporated milk. Butter fat is referred to as "animal fat," and it is claimed that pure cow's milk is evaporated to double strength.

The manufacture of this compound has been growing at an alarming rate, as will appear from the following figures furnished by the Bureau of Markets:

|   | 1920       | 1919       | 1918       | 1917       |
|---|------------|------------|------------|------------|
| Evaporated, part or full skimmed, modified with foreign fat (case goods)..... | 84,044,000 | 62,262,225 | 50,619,163 | 30,488,262 |
| Evaporated, part or full skimmed, modified with foreign fat (bulk goods)..... | 2,517,000  | 2,748,120  | 3,861,097  | 4,543,640  |

In 1920 nearly 8,000,000 pounds of coconut oil were used in the manufacture of the compound, taking the place of that many pounds of butter fat sorely needed for the nutrition of our people and injuring the market of the American farmer. It is unfair to our farmers to put them into competition with this inferior product produced by oriental labor and handled by very unclean methods. The manufacturers of filled milk stated before the committee that the business was in its infancy, and it is high time that it is wiped out altogether.

The argument is made that filled milk is a poor man's food because it is sold for less money than the genuine article. There is nothing to this argument, because the evidence shows that in very many stores the two articles are sold for the same price. But assuming that the poor man can buy a can of this stuff for 8 cents when he would have to pay 10 or 11 cents for evaporated milk, he is defrauded nevertheless, because he is not getting 8 cents' worth and is probably injuring the health of his family.

The superiority of the white race is due to at least some extent to the fact that it is a milk-consuming race. Natives of tropical countries who use the products of the coconut are stunted in body and mind. I believe that one reason why they are inferior is that they do not use the milk of cows or other animals. We owe a great deal to the dairy cow, a great deal more than the general public gives her credit for. We can not afford to injure the dairy industry; if we do it, we injure the Nation. The dairy industry not only supplies us with an absolutely necessary article of food but it maintains the fertility of our soil, and anything that we do to encourage the dairy industry is a direct benefit to the Nation. Doctor McCollum testified as follows before our committee:

There is no question but what milk is the only food for which there is no effective substitute. It is not a question of whether there is some food value in skimmed milk, as to whether we can not get along in some peculiar situation, that one might not get along if a suitable amount of eggs were included in the diet every day. It is not a question whether technically you can bring before a legislative committee of this sort a situation which might work in a satisfactory manner without this food. But this is the point, that we are educated to use milk. We are a people who for hundreds of generations have depended upon dairy products as a prominent article of our diet. We know how to use it, and we like it. We have an agricultural industry which can not remain a permanent one—there can be no permanent system of agriculture without an animal industry to go with it. \* \* \* We have no deposits of phosphorus and no adequate deposits of calcium that will meet the agricultural needs of this country for fertilizer. \* \* \* There is no similar property—vitamines—in any vegetable oil, including coconut oil and cottonseed oil, comparable with what you find in butter fat. \* \* \* I guarantee that any infant that is fed for a few weeks on one of these milk substitutes will develop rickets. \* \* \* My suggestion is that we do everything that is in our power to maintain at its full tide an industry so important as the dairy industry, and to bring the American cow into competition with a coconut grove is an injustice.

This bill has been indorsed by hundreds of dairying and farming organizations, by organizations of consumers, and

others who are interested in the welfare of the people. It is also indorsed by practically every dairying and farming publication in the United States. Some of the leading organizations indorsing it are as follows:

- National League of Women Voters.
- National Congress of Mothers and Parent-Teachers' Associations.
- National Grange.
- American Farm Bureau Federation.
- National Board of Farm Organizations.
- Farmers' Educational and Cooperative Union of America.
- Farmers' National Congress.
- National Agricultural Organization Society.
- National Conference on Marketing and Farm Credits.
- National Dairy Union.
- Pennsylvania Rural Progress Association.
- Farmers' Society of Equity.
- Federation of Jewish Farmers of America.
- American Association for Agricultural Legislation.
- Intermountain Farmers' Association.
- Farmers' Equity Union.
- American Society of Equity.
- National Milk Producers' Federation.
- Dairymen's League (Inc.) and Dairymen's League Cooperative Association (Inc.). (Largest in the world.)
- New England Milk Producers' Association, Woodbury, Conn.
- Interstate Milk Producers' Association.
- Maryland and Virginia Milk Producers' Association.
- The Milk Producers' Association of the Chicago District.
- Dairymen's Cooperative Sales Co.
- National Agricultural Conference.
- National Dairy Council.
- American Jersey Cattle Club.
- Milwaukee Milk Producers' Association.
- Wisconsin State Union, American Society of Equity.
- Northeastern Dodge County Cow Feeding Association, of Wisconsin.
- Cheese Producers' Federation, of Plymouth, Wis.
- Wisconsin Dairymen's Protective Association.

The Legislature of Wisconsin at its 1921 session passed a joint resolution memorializing Congress to pass the Voigt bill.

Some question has been raised as to the constitutionality of this bill. I have given this matter very careful consideration and have also had the benefit of the advice of competent lawyers. Judge J. W. Bryan, of Baltimore, an authority on constitutional law, in an exhaustive opinion, declares the bill constitutional. I can not take the time to discuss the legal question, but refer anyone interested to the following decisions:

- Lottery Cases (188 U. S. 321).
- Hoke v. United States (227 U. S. 308).
- McDermott v. Wisconsin (228 U. S. 115).
- Eckman Alternative Cases (239 U. S. 510).
- Hebe Case (248 U. S. 297).

Quite a number of States have already passed laws outlawing or imposing severe restrictions on the sale of filled milk. Such States are Utah, Maryland, Florida, California, Colorado, Connecticut, Oregon. New York and New Jersey have very recently passed laws prohibiting its manufacture and sale. Wisconsin passed such a law at the last session of the legislature. This law is now being tested in the Supreme Court, and I have no hesitation in saying that its constitutionality will be upheld. There are prospects of further State legislation. It is the judgment of all dairying and farm organizations represented in Washington that with the State legislation and the enactment of this bill into law we shall have a remedy which will effectually outlaw filled milk.

[NOTE.—The bill passed the House on May 25, 1922, by a vote of 250 to 40.]

Mr. JACOWAY. Mr. Chairman, I yield 20 minutes to the gentleman from Louisiana [Mr. ASWELL].

Mr. ASWELL. Mr. Chairman, it is discouraging to me to see so good a man as the gentleman from Wisconsin [Mr. Voigt] permit himself to be used in behalf of such flagrant, sectional, vicious class legislation as that which is proposed by this bill. If I were in favor of this sort of legislation I could not support the bill because unquestionably it is unconstitutional. Its proposals are monstrous. The gentleman from Wisconsin in his closing remarks made the amazing statement that this milk compound is so labeled that not one person in 10,000 could read it and understand what it means. I hold in my hand a can of the so-called filled milk. This is the Hebe compound. This is made of peanut oil and skim milk. Six months ago when the hearings were being held on this question it appeared that generally coconut oil was used. I then made a request of the manufacturers of these milk compounds to experiment in their chemistry departments to ascertain whether our domestic oils could be used. They have experimented with peanut oil, cottonseed and sunflower seed. They made a perfect success of the peanut and the cottonseed oils, and are still experimenting with the sunflower oil. I used this particular can which I hold in my hand for baking purposes in my home during the past week to test it. It is a perfect milk compound of peanut oil and skim milk. The gentleman is mistaken about the label. There could not be any fraud. This is the label, and you can read it across the room.

Mr. VOIGT. Mr. Chairman, will the gentleman yield?

Mr. ASWELL. In a moment. The label states that it is a compound of evaporated skimmed milk and vegetable fat; that it contains 7.8 per cent of vegetable fats, 25 per cent total solid. Then the label in letters that you can read from your seats says that it is for cooking and baking, and then we find the statement in large letters, "Do not use in place of milk for infants." Every can has that label under the present pure food law, and where any deception or fraud could be practiced is beyond my comprehension. I yield to the gentleman from Wisconsin.

Mr. VOIGT. Is that a can of the Hebe milk?

Mr. ASWELL. Yes.

Mr. VOIGT. Was it not testified before the Agricultural Committee that the manufacturers of this very product had changed their label about six or seven times?

Mr. ASWELL. They may have changed it in the development of their product, but this is the established label now adopted by that company.

Mr. BURTNESS. Was that portion of the label which warns against the use of the contents as a substitute for milk for infants on former labels?

Mr. ASWELL. It was.

Mr. BURTNESS. It is the gentleman's contention that it has been put on the label of the product of this company from the beginning?

Mr. ASWELL. I have not followed the history of it from the beginning, but since it has been developed into a real business, prosperous enough to put the fear of the Lord into the Butter Trust, it has had that label.

Mr. VOIGT. I hold in my hand a can of this compound, and it does not contain any such statement on its label.

Mr. ASWELL. That might be before they had established and developed the business, but we are dealing with the present. In an open fight for the right why do you not come away from ancient history?

Mr. RANKIN. Mr. Chairman, if the gentleman will yield, I see now that the gentleman from Wisconsin has found that the label is on the can.

Mr. RAKER. Where did the gentleman get the information that this is peanut oil?

Mr. ASWELL. With the permission of the House, I would like to file a letter in respect to that. I had the experiment made.

PEANUT OIL USED.

CHICAGO, April 22, 1932.

MY DEAR MR. ASWELL: Immediately following the hearing before the House Committee on Agriculture at Washington last summer on the Voigt bill, and in line with your suggestion, our laboratory began to experiment with peanut oil in the manufacture of an evaporated skimmed-milk compound.

In the manufacture of such a compound it is imperative that the vegetable fat used be absolutely neutral as to flavor and odor. After exhaustive inquiries we found that a peanut fat which would fit our requirements was not obtainable—not even in small amounts necessary for making laboratory experiments. We then proceeded to equip our laboratory with the apparatus necessary to refine peanut fat to a point where the objectionable flavors of the peanut had been practically eliminated. As soon as this had been accomplished, and we were able to produce a higher refined fat than was obtainable from the refiners of peanut oil, we commenced to manufacture a compound in the laboratory with the peanut fat, and we found our path beset with many difficulties which could only be solved by continuous experimentation, all of which consumed much time.

After we had produced a satisfactory product in the laboratory, it was then necessary to manufacture a batch of the new product on factory scale and hold this batch in our warehouse for several weeks to ascertain if the finished product on aging would develop any flavors which would make it unfit for commercial use.

As I advised you in my night letter of yesterday, we are satisfied that we have produced a satisfactory product, and that this belief will be fully confirmed on the termination of our experiments, which should be concluded in the next month or two.

The referee appointed by the Supreme Court of the State of Wisconsin to take testimony in the case brought by this company to test the constitutionality of the law which prohibited the manufacture and sale of Hebe, passed last summer by the legislature of that State, found from the evidence that Hebe is a wholesome and nutritious article of food for adults and children in the same sense that bread, meat, and potatoes are wholesome. He also found there was nothing deleterious to health in the product.

You will be interested in knowing, I am sure, that Professor McCollum, who appeared before this committee on the hearings on the Voigt bill, was the star witness for the State in this case.

No exceptions were taken by the State to the findings of the referee as reported by him to the supreme court. This case was argued before the supreme court on April 15, but no decision has been handed down as yet. We look for a decision on or about May 7.

As Hebe is an admittedly wholesome nutritious article of food, honestly labeled, and economical in its use, there would seem to be no just basis for denying to it the channels of interstate commerce.

The argument which has been freely advanced by the proponents of the bill that the legislation is fully justified for the reason that the dairy farmer should not be compelled to compete with the "coconut cow" of the South Sea Islands, has been rendered ineffective by reason of our discovery that a commercially successful product can be produced by substituting peanut fat for coconut fat.

It needs no argument to substantiate the statement that this new use discovered for peanut fat will give the peanut industry in this country a great impetus and contribute materially to the prosperity of

that section of the country which grows peanuts. It is difficult to believe that Congress would pass a bill, the effect of which would be to benefit the producers of a raw material produced in one section of the country to the detriment of producers of a raw material in another section.

If the product was not a wholesome, nutritious article of food, and was not being advertised, labeled, and sold for what it really is, we would have no right to protest against the proposed legislation, but it does seem that the power of Congress should not be directed against us for the sole reason that the class of people engaged in the manufacture of a competing production have an ambition to destroy competition.

With the assurance of my continued high personal regard, I am  
Yours truly,

PAUL R. MCKER.

Mr. RAKER. The gentleman says that the bill is unconstitutional. Upon what grounds?

Mr. ASWELL. Because the bill starts out with the blunt statement that milk compounds shall be prohibited from being manufactured and shipped through interstate commerce, and gives no reason whatever for it. No claim is made that filled milk is unwholesome or injurious to health, nor that it is sold fraudulently. Its provisions are ridiculous.

Mr. VOIGT. Mr. Chairman, will the gentleman yield?

Mr. ASWELL. Yes.

Mr. VOIGT. Did the gentleman or any other member of the committee raise that point while the hearings were being held? Did the gentleman then claim that the bill was unconstitutional?

Mr. ASWELL. I did, and I put it in my minority report. I am sorry you have not studied it.

Mr. VOIGT. Was the question raised in the committee?

Mr. ASWELL. Absolutely. I raised it myself.

Mr. VOIGT. I do not recall it.

Mr. ASWELL. Mr. Chairman, this proposed bill on the subject of filled milk, which has been discussed by the gentleman from Wisconsin, is to my mind a very serious one, because it involves the fundamental principles of government. I think most of the gentlemen on the Republican side in the last campaign made the solemn pledge to the American people that there would be less government in business. The purpose of this bill is not only to put the Government in business, but to put the Government into the business of putting out of business legitimate business. I want to make an assertion and prove it by the hearings, that the proponents of this bill, namely, the dairy interests of certain sections of the country, have one definite purpose, and that is to remove competition from their own business. In the hearings a Mr. Larson, of the Department of Agriculture, advocating the bill and speaking for the Butter Trust, made an amazing admission. After a long and tedious hearing the following occurred:

Mr. ASWELL. Then, according to your statement, if these gentlemen would promise not to increase their business you would not object to their manufacturing what they are manufacturing?

Doctor LARSON. From the standpoint of that principle?

Mr. ASWELL. If they would promise not to increase it any, you would be satisfied?

Doctor LARSON. If they did not increase it, from the standpoint of the dairy industry it would not be a serious thing. As I said before, they are making 85,000,000 pounds of this product to-day, and we are producing 1,500,000,000 pounds or more of evaporated milk. But the point is, it is growing so very rapidly.

This whole question is an effort to have the Congress step in and protect the private dairy business by shutting out their competitors in other legitimate business. It is monstrous that the Congress should be asked to destroy business in which millions of dollars have been invested, merely for the purpose of more profit to the dairy business competing with them. The purpose of the bill is to shut out competition with the dairy industry, which has here the most powerful organized lobby in the world.

Mr. RAKER. Mr. Chairman, will the gentleman yield?

Mr. ASWELL. Yes.

Mr. RAKER. The gentleman read certain matter from the label on the can. The gentleman from Wisconsin [Mr. Voigt] said that he had a can of this milk in his hand which did not have that on the label.

Mr. ASWELL. Oh, he admitted later that he found it there.

Mr. RAKER. Was it on the gentleman's can, I will ask him?

Mr. VOIGT. Will the gentleman yield to me for a moment?

Mr. ASWELL. Oh, the gentleman found it on his can. I want to answer the gentleman from Wisconsin now for a moment in respect to his rat business.

Gentlemen, there are three great specialists in this country who have equal responsibility for the amazing discovery of vitamins. Nobody has ever seen a vitamine or tasted one or heard it. It is something that is supposed to be in certain foods that makes life. These gentlemen are Doctors McCollum, of Baltimore, and Sherman, of New York, and Mendel, of Yale.

Doctor McCollum came before our committee and made the assertion that if we fed rats a certain food and some other rats some other foods some will grow fat and some will grow ill. This picture Mr. VOIGT has shown you is in harmony with that description, but I shall in a minute read from Doctor McCollum, specifically making an assertion on the other side of the question. Doctor McCollum made the assertion before our committee that unless every man in the country should drink a quart of sweet milk a day he would be underfed and be a runt.

I remember very distinctly that my friend the gentleman from Kentucky [Mr. KINCHELOE] resented that absurd statement, and the gentleman from Nebraska [Mr. McLAUGHLIN] called attention to the fact that with McLAUGHLIN's large family of children if they drank as much milk as McCollum demanded, because the output would be inadequate and the price advanced, it would cost my friend McLAUGHLIN of Nebraska \$7.92 a day for his milk bill. Doctor McCollum is reputed to be a great doctor, and I want to present to you his double position before I am finished with this. He says that the rat that is fed filled milk alone grows thin and dies. Why, if you feed a baby on pure butter and nothing else it will die, or if you feed a baby on ham and nothing else it would die, but he says you must give the rat the whole milk to save him and make him sleek and fat. Have you ever seen one of the rats around a farmhouse fat and sleek and skillful and daring? Where did he get his pep? From whole milk? Where did he get any milk at all?

Mr. VOIGT. Will the gentleman yield?

Mr. ASWELL. Yes, sir.

Mr. VOIGT. I want to say to the gentleman the rat which is at liberty and not in captivity feeds on other animals and gets the blood and the vitamins in that way.

Mr. ASWELL. What other animal does a mouse feed on?

Mr. VOIGT. I can not tell you, but that is the testimony of Doctor McCollum.

Mr. ASWELL. Now, Mr. Chairman, let me quote Doctor McCollum. Here is a letter from Doctor Mendel, of Yale University, the highest authority on the subject, with reference to this strange entity that is called vitamine. He writes this letter to Representative JOHN CLARKE, of New York:

The situation is somewhat as follows: The investigations of recent years have demonstrated that in addition to the usual nutriment, proteins, fats, sugar, and salts, milk contains properties now described as vitamins. One of these is abundantly associated with the milk fats, as was first demonstrated by McCollum and by Osborne and myself several years ago. It is frequently called fat-soluble vitamine A. It is not universally present in foods and it is essential to the welfare of growing individuals. It is found in eggs, in green vegetables, in various animal fats—rarely in those of vegetable origin as they are prepared for the market. Every physiologist admits that growing children should have some quota of vitamine A; how much is needed is not definitely known. For infants the preferable supply admittedly is whole milk. However, McCollum is authority for the statement that approximately half of the vitamine A is present in the nonfat part of the milk—that is, in skim milk; and another competent scientific investigator, Professor Sherman, of Columbia, has announced that skimmed milk furnishes important amounts of vitamine A. I inclose a copy of their published statements which I happen to have at hand.

Preparations of so-called "filled" milk are emulsions of vegetable fats in skimmed milk. Coconut oil is commonly used, I believe, in preparing them. These facts are admittedly digestible and nutritious; so is skimmed milk, which, owing to fostered prejudices, has been a greatly undervalued article of diet. The milk compounds should be properly labeled—as should every package of food—to tell the truth. They should not be recommended for use in infant feeding; on the other hand, no harm can come from the chance use of a quantity of skimmed milk even by infants. I mention this because the opponents have spread the impression among gullible persons that the use of a can of milk compound is a positive menace to the infant which consumes it. Skimmed milk is not a rank poison. It is merely not a complete food for an infant; neither is barley water nor "prepared foods."

I am informed that some of the milk compound packages and advertisements not only give the composition of the contents but specifically indicate in words that the product is not recommended for infant feeding. What, then, shall we say of the value of the milk compounds, properly marketed in conformity to the pure-food laws, for adult nutrition? I do not see how they can be designated otherwise than as wholesome food. Indeed, it would be a nutritional advantage if skimmed milk were used more widely in culinary practice. It greatly enhances the value of cereals, notably the "staff of life," bread. "Filled" milks enrich them also, adding wholesome fats. No one knows at present to what extent vitamine A may be required by adults, but in any event the latter, using the mixed diet of adult life, are not dependent on cream for this food factor. It is quite as reasonable to object to the sale of polished rice or patent flour; indeed, skimmed milk and its "compounds" surpass either of these foods in nutritious properties.

The opponents of "filled" milks (representing a special industry) have tried to exclude them on the plea of "menace to public health." No public health question is involved. The claim is a specious one. The House bill represents a fight between industrial "interests," and I am confident that the medical profession would not admit that any wholesome food is a menace. Life and health are not endangered; on the contrary, I have long believed that our national nutrition would be benefited if, instead of discarding the milk separated from cream in the butter industry—instead of converting a unique food into roof paint, etc.—we encouraged the greater use of the nonfat part of the milk in the kitchen in the preparation of food. The milk com-

pounds represent a device for conserving food exceptional with respect to protein, vitamins, and particularly salts of lime which so few natural foods contain and which many persons really need. The by-products of butter production should be conserved. Has not agriculture been blinded to the importance of the nonfat parts of milk for nutrition? Are you ready to sanction economic waste of food by a new form of prohibition on the invalid plea of harmfulness to children who do not make use of the product?

He goes on to say in conclusion of a long statement that this entity or this quality called vitamine is always in skimmed milk. This is an established fact by all the great physicians and surgeons who investigated this question. Now, again listen to this:

Several years ago McCollum stated in a brief note that fat soluble A is about thirty times more soluble in fat than in water, in which case skimmed milk will contain about half as much of this vitamine as whole milk. On the other hand, Mellanby, studying experimental rickets in puppies, and Hess and Unger in their studies of the clinical role of the fat soluble vitamine, appear to have assumed that their experimental diets could contain considerable amounts of skimmed milk, either in fluid or solid form, and still be nearly devoid of the fat soluble vitamine. According to our experience, skimmed milk contains a very significant amount of fat soluble vitamine, probably about half as much as whole milk, as McCollum's brief statement would imply.

Our experimental evidence of the presence of significant amounts of fat soluble vitamine or "vitamine A" in skimmed milk is twofold. (1) Young rats placed at weaning upon a diet in which dried skimmed milk was the sole source of vitamins have grown steadily (though at less than the maximum rate) for three months or more, trebling their body weights and remaining free from eye disease and in good general condition. Such results in rats of this age can be obtained only on diets furnishing significant amounts of "vitamine A." (2) Rats which had been brought to the typical condition of declining body weight and characteristic eye disease due to deficiency of fat soluble vitamine in their food have been cured by the feeding of skimmed milk powder. (A third type of experiment may be mentioned which, while it would not be conclusive alone, affords interesting confirmation. Rats which have failed to grow upon a diet of white bread grew with extraordinary rapidity for some time (though not to full adult size) when the bread was supplemented by dried skimmed milk only. The latter of course supplemented the bread in several ways, but unless the skimmed milk had furnished important amounts of fat soluble vitamine such rapid and extensive growth would hardly have been possible.)

That was a statement unqualified by the highest authority in this land on this subject. And so, gentlemen, this effort is made here before this Chamber to push through a bill for the benefit of the special dairy business, and to try to push it through by the tail of a rat is absurd and ridiculous and should not be recognized by intelligent people. [Laughter and applause.]

Mr. OLIVER. Will the gentleman yield?

Mr. ASWELL. I will yield.

Mr. OLIVER. Did the gentleman ascertain whether a single State of the Union has passed a law prohibiting the sale of this product?

Mr. ASWELL. Some few of the States have.

Mr. OLIVER. Was any consideration given to limiting the bill to the importation of this product into those States where its sale was forbidden?

Mr. ASWELL. None whatever, but I will say to the gentleman from Alabama that the passage of this bill, if constitutional, would in no way affect the States because factories in any State of the Union could do an intrastate business.

Mr. OLIVER. Was any testimony submitted that this product was poisonous or injurious if used for the purposes you stated the label on the can had advised it to be used for?

Mr. ASWELL. I will say to the gentleman from Alabama gladly, that during all the hearings, lasting many days, that question was raised time after time and the evidence was overwhelming that this product is not unwholesome, not deleterious, and not injurious to health, absolutely without question. On the contrary, it was argued before that committee time after time that one of the great needs of this country is to encourage the larger use of milk and milk products. The important fact here is that the farmers of the country have not been correctly informed as to the meaning of this bill. The records show that during the last year this milk compound created a market for skimmed milk in this country of 200,000,000 pounds, ranging from 35 to 65 cents per hundred pounds, and that these 200,000,000 pounds of food heretofore have been abandoned or thrown away. Therefore these milk compounds have brought into use in this country for baking and cooking purposes 200,000,000 pounds of skimmed milk not heretofore used at all and for which there was no market at all.

Mr. BANKHEAD. That would approximate about \$100,000,000 a year?

Mr. ASWELL. At least. And why should the milk-producing farmer be fooled into supporting this monstrous bill against his own business?

Mr. GERNERD. Can you give me the nutritive value of coconut oil, which is substituted for the butter fat extracted from the milk?

Mr. ASWELL. Go down to the Tropics and you will find people live largely on it.

Mr. GERNERD. I have not heard anything in the hearing that told me anything about the value of coconut oil as a substitute for fat.

Mr. ASWELL. Can you tell the value of lard and tallow from the cow, and all that sort of thing?

Mr. GERNERD. I think that is beside the query I have made, because that is not entering into the manufacture of condensed milk.

Mr. ASWELL. Gentlemen, the proposition is this: If you propose to prohibit the sale and manufacture of milk compounds, you must in honor bound proceed at once to prohibit the manufacture and sale of lard compounds and patented and mixed flours, because they have the same relation to public health. These milk compounds sell on an average of 3 cents a can cheaper than the other. And I am convinced, gentlemen of this committee, that any man at this time and in this crisis in our country's history who would shut away from the poor people of the country any kind of wholesome food must shudder with responsibility for the results that are to follow. Any man who will advance the price of food products now is treading upon dangerous ground, and that is what is proposed to be done here.

Mr. KETCHAM. Do I understand the gentleman to carry the impression to the committee that this product is sold at a cheaper price?

Mr. ASWELL. It is. The record shows the average is 3 cents a can less.

Mr. KETCHAM. I would be very glad to submit observations to the contrary.

Mr. ASWELL. Your observations will not avail anything when you have the testimony of the people who sell it.

Mr. KETCHAM. I have evidence on the other side.

Mr. ASWELL. All right; produce it. [Applause.]

[Editorial from the Detroit News, August 26, 1921.]

#### THOSE SKIMMED MILK BILLS.

Pending before Congress are several bills designed to prevent or discourage the production of compounds of skimmed milk and vegetable fats. These had their origin and are finding active support in the organized dairying interests, but they should be given consideration by consumers generally.

The arguments are not new. About the same line of charges have been made against oleomargarine. Brought to absolute sincerity, the dairy people would probably have to admit that their greatest solicitude is for their profits. But they lay much larger stress upon the supposed menace to public health.

This contention is not very well sustained. Dr. Lafayette B. Mendel, of Yale University, is quoted as saying: "The opponents of filled milks have tried to exclude them on the plea of menace to the public health. The claim is a specious one. The House bill represents the fight between industrial interests, and I am confident that the medical profession would not admit that any wholesome food is a menace. I have long contended that our national nutrition would be benefited if, instead of discarding the milk separated from the cream in the butter industry, we encourage the greater use of the nonfat part of the milk in the kitchen in the preparation of food."

Of course it will be admitted that most people prefer unskimmed and unfilled milk to skimmed milk reinforced with coconut oil. Most people like butter better than oleomargarine. But many people can not have everything they prefer. And Congress has no business to hinder the production of food acknowledged to be wholesome because the competition of its manufacture endangers the high prices of other foods acknowledged to be of superior quality.

[From the New Orleans States, May 4, 1922.]

VITAMINES FOUND IN ORDINARY FOOD—DOCTOR HOLT SAYS DON'T—PEOPLE HAVE BECOME UNDULY EXCITED.

(By John Goldtrom.)

WASHINGTON, May 4.—The vitamine theory is a passing fad, and all the energizing qualities the average person requires are contained in ordinary food, Dr. L. Emmet Holt, of New York, told the Congress of American Physicians and Surgeons.

Doctor Holt said that while the study of vitamins had been of value to the medical profession in determining their places in dietetics he deplored the commercialization of special foods which has followed the publicity given the subject.

"The recent stressing of the importance of vitamins in food is a fad which will pass and the medical profession should not be carried away by it," said Doctor Holt. "Before vitamins it was auto-intoxication, and now we have been blaming our troubles on the lack of vitamins in certain foods. Practically all the common foods contain all the vitamins the average person needs."

#### COTTONSEED OIL

ARCTIC ICE CREAM Co.,  
Detroit, Mich., April 22, 1922.

Hon. JAMES B. ASWELL,  
Washington, D. C.

DEAR MR. ASWELL:

We were able to get a small quantity of hydrogenated cottonseed oil which seemed to work out very satisfactorily, but the manufacturer of this oil was only able to give us an experimental quantity. He stated \* \* \* that it would be six or eight months before he would have the necessary equipment installed to furnish us with sufficient

quantities of this product. From the limited tests which we made of the hydrogenated cottonseed oil it seemed to be entirely satisfactory and we think we will be able to use this product.

Just at the present time we are experimenting with the addition of various quantities of egg yolk to our compound milk. The object in adding the egg yolk is to supply the fat soluble vitamins which the dairy interests claim are lacking in compound milk. The egg yolk is very rich in fat soluble vitamins, considerably more so than butter fat, and it was our thought that by adding a small percentage of egg yolk to our compound milk we could provide the necessary fat soluble vitamins and offset all the claims of our opponents as to the milk not being as suitable as whole evaporated milk for the purposes of infant feeding.

It is not our intention to sell this new product for purposes of infant feeding. We will continue selling compound milk for cooking and baking purposes as we have been doing, but we will be able to meet the objections of the dairy interests by proving that our milk is fortified with the fat soluble vitamins which they claim are necessary. So if all this product is used for infant feeding it will be just as satisfactory from a nutritional standpoint as the regular whole evaporated milk. As a matter of fact, though very little evaporated milk of any kind is used for infant feeding, the sweetened condensed milk is used almost entirely for this purpose.

We have been in the business for some time, and the first use of compound milk for infant feeding we ever heard of came to light in Pittsburgh just recently. Our sales manager happened to be there on a trip and one of our broker salesmen asked him why we put the warning on the label, "Do not use in place of whole milk for infant feeding." Our sales manager replied that it is claimed by some people that compound milk is not suitable for that purpose and that in the absence of more definite information we advised against its use. The salesman then replied that in calling on the retail trade a grocer had asked him about this use of compound milk and told him he knew of a certain woman in the neighborhood who had raised her youngster on our compound milk and that he certainly was a healthy-looking youngster. Out of curiosity we investigated the case. The child's mother told us she had raised the infant on "Carolene" and that he was perfectly healthy and normal in every respect. Our sales manager, Mr. Carroll, brought back a photograph of him, and he certainly is the picture of health. Nevertheless, we do not sell our milk for purposes of infant feeding. No form of canned milk should be used for that purpose, and very little evaporated whole milk or compound milk is so used.

On the other hand, a considerable quantity of sweetened condensed milk is used, and the Borden Co., who are active in supporting this bill, have built up a considerable business from the use of their "Eagle" brand sweetened condensed milk for this purpose. We can get any number of nutritional experts who will tell us that Borden's "Eagle" brand sweetened condensed milk is a very poor infant food and that the large excess of sugar contained in it is very apt to result in digestional disorders in infants. We feel they are doing infinitely more harm to the youth of the Nation in advertising and pushing the sale of their sweetened condensed milk for infant-feeding purposes than can ever result from the use of compound milk.

We are going to have a feeding test conducted using our new compound milk, containing egg yolks and regular whole evaporated milk, and compare results. Our chemists tell us they are certain the new compound milk will prove to be just as good, if not better, as a growth-promoting food than regular evaporated milk. We are going to have these tests run by two different independent laboratories, but it will be some time before the results will be available.

Yours truly,

CAROLINE PRODUCTS CO.,  
By GLEN P. COWAN.

CHICAGO, April 28, 1922.

Hon. J. B. ASWELL,

House of Representatives, Washington, D. C.

DEAR MR. ASWELL: I just received a copy of one of the latest books on the subject of vitamins. It is entitled "The Vitamins," and is by H. C. Sherman, professor of food chemistry, Columbia University, and S. L. Smith, specialist in biological and food chemistry, United States Department of Agriculture. Both of these men are considered authorities in the field of biological chemistry.

On page 182 of this book they comment on the fat soluble vitamin content of skimmed milk as follows:

"It is important to note that milk contains much more of the fat soluble vitamin than is contained in its fat globules. According to a brief statement made by McCollum, the vitamin A in a given volume of milk is about equally divided between the fat globules and the aqueous portion. This would mean that skimmed milk will contain about one-half as much vitamin A as whole milk, and dry skimmed milk will be about one-third as rich in vitamin A as is butter fat. Sherman, MacLeod, and Kramer (1920 proceedings Soc. Exptl. Biol. Med., vol. 17, p. 41), while not measuring quantitatively the relative amounts in whole and skimmed milk, have confirmed the fact that skimmed milk is an important source of vitamin A, though, of course, by no means comparable with whole milk in this respect."

This is of particular interest to me, in that the statement previously made by McCollum is corroborated by Sherman, MacLeod, and Kramer. Compound milk, of course, has all of the water soluble B and C vitamins which regular whole evaporated milk contains, and according to the above approximately one-half of the fat soluble A vitamins. It would seem, then, by the addition of a quantity of egg yolk, which is known to be very rich in fat soluble vitamin A, we can make our compound milk just as valuable from the vitamin standpoint as is regular whole evaporated milk.

We are arranging now to get the feeding experiments started, and as soon as the results are available I will send them to you.

Yours truly,

CAROLINE PRODUCTS CO.,  
By GLEN P. COWAN.

The CHAIRMAN. The time of the gentleman has expired.

Mr. ASWELL. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Louisiana asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

Mr. VOIGT. Mr. Chairman, I ask leave to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Wisconsin asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

Mr. VOIGT. Mr. Chairman, I yield 10 minutes to the gentleman from Iowa [Mr. HAUGEN].

Mr. HAUGEN. Mr. Chairman, the object of the legislation proposed in the so-called filled milk bill, now before the House, is to suppress fraud and deception by prohibiting the manufacture and shipment of filled milk in interstate or foreign commerce, a counterfeit generally conceded to be a gross menace to public health, especially to that of infants and invalids. The manufacture and use of filled milk, the bogus milk, has resulted in undernourishment and faulty diet, and has undoubtedly caused much disease and loss of life.

According to the testimony printed in the hearings, the business of making filled milk is profitable and flourishing. According to figures furnished the Bureau of Markets, the manufacture of the substitute has increased from 30,488,267 pounds in case goods in 1917 to 84,044,000 in 1920, about 275 per cent. Bulk goods decreased from 4,540,640 pounds to 2,517,000 during this period, a net increase in the production in three years of 51,532,098 pounds. According to the statement of Mr. McKee, representing the Hebe Co., that company has about 22 plants in the States of Washington, Oregon, Idaho, California, Colorado, Wisconsin, Illinois, Michigan, Pennsylvania, and New York, scattered from the Pacific to the Atlantic coast.

The process of manufacturing this product is simple. The cream or butter fat is withdrawn from the whole milk and coconut fat is substituted in its place. This is done at a low expense. The profit to the manufacturer is largely in removing and selling the butter fat, the superior product, which is now selling at about 42 cents a pound, and importing the coconut fat, the present price of which is from 9 to 12 cents a pound, and substituting it for the butter fat removed. This, at present prices, nets a profit of 30 cents a pound on every pound substituted, or as stated by Mr. McKee in hearings on filled milk before the Committee on Agriculture:

Mr. MCKEE. Out of the amount which it would take to make a case of milk—105 pounds. Then the coconut fat which we substitute for the butter fat costs us 12 cents. That is the present market. Then the cost of that 3.744 pounds of butter fat would be forty-four and a fraction cents—about 45 cents. So the gain to us by the extraction of the butter fat and the substitution of the coconut oil is a little over 86 cents a case. To-day the price of evaporated milk in carload lots in Chicago, where we sell it, is \$5. The price of Hebe in Chicago in carload lots is \$3.60. In other words, we get \$1.40 more a case for evaporated milk than we get for the compound, making a difference in the selling price of the two products of \$1.40 (p. 87).

The gentleman from Alabama seems to contend that the value of one product is equal to that of the other.

Mr. ASWELL. Will the gentleman yield? I did not make that proposition.

Mr. HAUGEN. The nutritive value of unadulterated milk and butter fat is well known, both in its use by human beings and animals. As to the wholesomeness of milk, as compared to that of the substitute, I refer to the statement of Dr. E. V. McCullom, of the School of Hygiene and Public Health, Johns Hopkins University, who, during the last 15 years, has confined his efforts solely to the study of nutrition problems and is generally recognized as the greatest authority on the subject. I quote from Doctor McCullom's statement before the committee:

Now, gentlemen, during the last 15 years I have confined my efforts solely to the study of nutrition problems. Everyone who is competent to speak on this subject is in accord with every statement which I have ever made. (P. 20.)

Mr. TEN EYCK. Does this product sour the same as other milk? Doctor McCULLOM. Any milk that has been sterilized does not sour as ordinary milk sours. The souring of milk is due to the growth of the lactic acid producing organism, and that, of course, is destroyed in the process of sterilization.

Mr. TEN EYCK. Then it is like condensed milk in that respect?

Doctor McCULLOM. Yes. (P. 11.)

Doctor MCCOLLUM. There are three substances now commonly known as vitamins which the diet must contain in order to promote satisfactory health in any animal or in any human being. This being the case, it behooves us to consider what foods contain these substances, the chemical influence of which we do not know, but the physiological effects of the lack of which in the diet we fully understand, both from human experience and from animal experimentation. It behooves us to inquire where we can secure each of these three substances in satisfactory amounts.

All that, gentleman, has come down to this, that there are only three kinds of diet which ever have succeeded in the satisfactory nutrition of men or animals. One of those does not concern us very much here, but for the sake of completeness I will mention it. That is the strictly carnivorous diet, the diet where one animal eats another or where man eats an animal. Some of the American Indians were carnivorous people. The Eskimos are carnivorous people. There are a few examples elsewhere, but they form only small groups of the human family.

The second type of diet which succeeds is \* \* \* of green leafy vegetables, of which we eat very small amounts. We do not like these things; we never have learned to like them; and we are not likely to come to the unpalatable, unattractive diet which has been forced by poverty on millions of orientals.

I might say that this one outstanding feature of the diet of the oriental people, the consumption of enormous amounts of leafy vegetables, such as spinach, lettuce, cauliflower, Brussels sprouts, sweet potato leaf, vines, etc., is the factor which makes those people as successful as they are. But how successful are they? Look at the Chinaman who does your laundry and see what he is. Almost without exception he is an undersized individual. He is poorly developed physically. Look at the Japanese—a small and physically inferior people. The Japanese children born in California in the last 15 years are larger in both sexes and in all ages, notably larger, than are the children of Japanese born in Japan. Why? Just because the diet of America is a better diet than the diet of Japan.

The third type of diet which succeeds is the diet which in Europe, in America, and on the plains of Asia has been used from time immemorial. That is the diet consisting of cereals, tubers, legume seeds, and meats, along with liberal amounts of dairy products. The cook has in truth been the foster mother of the human race.

Now, gentlemen, look at what exists to-day. There are no finer people anywhere in the world than the Arabs, the Bedouins of Arabia, the tribes of the Sahara, who are all milk drinkers. The finest people in Europe are the people of Rumania, Bulgaria, and the Balkan States generally, of Scandinavia, of Switzerland, Scotland, and parts of England, those places where milk and dairy products form one of the prominent, the most prominent constituent of the diet (pp. 20 and 21).

Mr. THOMPSON. You spoke awhile ago, Doctor, of the great races on the Asiatic plains that used sour milk; you used the word "sour."

Doctor MCCOLLUM. Yes, sir.

Mr. THOMPSON. I would like a little more light on that subject, along with the buttermilk question.

Doctor MCCOLLUM. \* \* \* If milk is boiled and some of the constituent elements or acids destroyed, then it rots and becomes unfit for use. But if they allow it to sour, it does not rot and they have the wholesome advantage of its use. There is no objection to the sour milk itself; it is wholesome.

Mr. THOMPSON. How about buttermilk?

Doctor MCCOLLUM. Buttermilk is wholesome, except that buttermilk is milk from which the fat has been extracted and a certain amount of sugar in it has been transformed into an acid.

Mr. TEN EYCK. Does not buttermilk create a certain acid or germ in the stomach or intestine which destroys other and harmful germs, and is not that the reason why the Belgians are the longest-lived people, due to the eating of the curd, which creates this helpful germ?

Doctor MCCOLLUM. Yes; there are some acids in buttermilk which are good in other ways, anyway.

Mr. TEN EYCK. Let me ask you, if milk were not used at all and vegetable oils substituted, what effect would it have?

Doctor MCCOLLUM. It would make the interior a skeleton, so to speak, and affect the life history and longevity of the individual and hasten the time at which senile characteristics would appear. (P. 36.)

Doctor MCCOLLUM. During the last two years we have been studying one of the greatest national health problems; that is, the problem of rickets in children. Rickets is faulty bone growth. I can not tell you how frequent it is. Recovery is the rule, but recovery with physical inferiority is also the rule. Recovery with more or less physical deformity is also the rule. \* \* \* Doctor Hess, one of the famous physicians in New York, says that nearly 100 per cent of the children of New York have rickets. In Baltimore some of the famous specialists say that from 50 to 60 per cent of our children have rickets in infancy. (P. 30.)

Doctor MCCOLLUM. We have in this country, mostly throughout the South, a disease called pellagra. Pellagra was discovered in this country about 1908 or 1909. It had been alarmingly on the increase up to about two or three years ago, up to 1917, when we found, according to the Public Health Service representatives, that there were about 170,000 people with that disease. \* \* \*

The great research in pellagra has been done by Dr. Joseph Goldberger, of the Public Health Service. He has shown very clearly that it is a disease of the undernourished, of the poorly nourished. It is a disease which the well fed never have, and those who have it in a mild way, in the early stages, recover on a satisfactory diet, and there is no other effective treatment for it than satisfactory diet.

\* \* \* Doctor Goldberger has shown conclusively—and his papers are in the public health reports—that pellagra disappears from orphanages, from insane asylums, and from hospitals when pellagra patients are fed on the right kind of diet. In 1916 he produced pellagra experimentally in man, in the case of 5 or 6 out of 11 volunteers from the State prison of Mississippi (p. 24).

Mr. KINCHELOE. The point I am asking for information on is this: If it is not deleterious to the health of the individual—

Doctor MCCOLLUM (interposing). It is deleterious.

Mr. KINCHELOE (continuing). When it is used in baking, cooking, and in coffee, if it is not deleterious when so used, why should the people who want to use it be deprived of it?

Doctor MCCOLLUM. I should say that these defects in these substitutes will not take the place of the milk, if we are to have an optimum diet; if we are to have an optimum diet, you have got to adhere to the milk. If you take something out of it—

Mr. KINCHELOE. \* \* \* I am going to agree with you that it is not good for infants.

Doctor MCCOLLUM. It is not good for adults either.

Mr. KINCHELOE. You said awhile ago that it was not deleterious for use in baking, cooking, and in coffee.

Doctor MCCOLLUM. It is deleterious, in so far as it crowds out other things that are in the whole milk, and which these substitutes are intended to take the place of (pp. 34, 35).

Doctor MCCOLLUM. The thing for us to do, gentlemen, is this: We are as a Nation now using approximately half a pint of milk per day per person. \* \* \* We should take at least a quart of milk per day, or its equivalent, and we should reduce our meat consumption to ap-

proximately 5 per cent of the total energy value of the diet; whereas we are now taking from 10 to 13 per cent, according to statistics I have gathered in numerous boys' schools and other institutions.

Mr. KINCHELOE. What would be your substitute for that meat?  
 Doctor McCOLLUM. The substitute would be the quantity of milk which I have described—a quart of milk per day for every individual in the land, half as much meat as we are taking, and then the cultivation of the practice of using green salad dishes just as far as our appetites and our interest in our own physical well-being will permit us to. (P. 26.)

Doctor McCOLLUM. To make it as clear to you as I can, let me say that this is not a matter of a single experiment; it is a correlation which we can make through an experience covering 15 years and covering about 4,000 carefully conducted feeding experiments of all degrees of length from a few weeks to the full span of life of the animals. (P. 23.)

Doctor McCOLLUM. My parting statement, gentlemen, will be this, that there is no question but what milk is the only food for which there is no effective substitute. It is not a question of whether there is some food value in skimmed milk, as to whether we can not get along in some peculiar situation, that one might not get along if a suitable amount of eggs were included in the diet every day. It is not a question whether technically you can bring before a legislative committee of this sort a situation which might work in a satisfactory manner without this food. But this is the point, that we are educated to use milk. We are a people who for hundreds of generations have depended upon dairy products as a prominent article of our diet. We know how to use it, and we like it. We have an agricultural industry which can not remain a permanent one—there can be no permanent system of agriculture without an animal industry to go with it. Which animal industry are you going to maintain?

This is not a public health aspect in its nearer relations, but in its fundamental relations it is. How are you going to maintain a permanent system of agriculture? Phosphorus and potassium are the limiting factors in the soil of America. We have no deposits of phosphorus and no adequate deposits of calcium that will meet the agricultural needs of this country for fertilizer. If we are going to take off the farms continually the cereals and other crops, if we are going to remove the valuable food from the farm, then we sell the fertility of our farms. You will be doing then what has been done in New England, in New York, in Pennsylvania, and is now being done in the North-western States; you will crop your soils out until they will produce no more until certain elements are put back, because they were robbed from the soil. (Pp. 32 and 33.)

Doctor Erf, of the Ohio State University, secretary of the Ohio Dairymen's Association, and their feeding adviser, stated before the committee:

We had a number of experimental cages of white mice. As near as I can recall, those that were fed on Hebe weighed about 45 grammes and those that were fed on milk weighed 182, I think. (P. 165.)

The testimony of Doctor McCollum and Doctor Erf and the facts ascertained in the many actual experiments should satisfy all that the use of counterfeit is deleterious to the health of not only infants but adults as well.

Eleven States have enacted laws restricting the sale of filled milk—Oregon, California, Utah, Colorado, Wisconsin, Ohio, New York, New Jersey, Maryland, Florida, and Connecticut.

Mr. JOHNSON of Mississippi. I have heard what the gentleman said about this fraud that is being practiced, if there is fraud practiced, but I would like to have the gentleman tell us where he gets the constitutional authority for prohibiting the shipment of this food in interstate commerce when it has been shown by the author of the bill, the gentleman from Wisconsin [Mr. VOIGT], that it is not injurious or deleterious to human health, but merely unwholesome. Where do you get your constitutional authority for prohibiting the shipment?

Mr. HAUGEN. Let us settle the first question as to its being a fraud and injurious to human health.

Mr. JOHNSON of Mississippi. In view of the child labor law the first decision in the child labor law—

Mr. HAUGEN. When we have settled the first question we will have no trouble in settling the second—the constitutionality of the bill.

Mr. VOIGT. Will the gentleman yield to me?

Mr. JOHNSON of Mississippi. The gentleman can not deny that nux vomica will kill a mouse, but will not contend that it would necessarily kill a human being?

Mr. HAUGEN. If you will turn to the testimony before the committee, which I have quoted from Doctor McCollum, an unquestioned authority on this matter, you will find that he states that it is deleterious to the health of not only infants but adults as well. The investigation made and the facts ascertained by Doctor McCollum and Mr. Erf go to show that it is injurious to health, and if injurious to health and a fraud, Congress undoubtedly has the power to regulate its manufacture and sale in interstate commerce.

One contention is that the pure food and drugs act requires the labeling of cans, and if that law is properly enforced no further legislation is required. Labeling is important, but it is not sufficient in itself to protect the public health. The labeling of the cans in which the substitute is sold does not protect the vast number of people who are unknowingly served with it in hotels, restaurants, and boarding houses; besides, there are thousands of people in this country who can not read a label.

The substitute is bought largely by the ignorant. Many do not even look at the label, much less read it, when purchasing it. Evidently much of it is labeled to conform with the pure food and drugs act, as, for instance, the Hebe, a popular brand, is labeled:

Net contents 1 lb. Avoirdupois. Hebe Reg. U. S. Pat. Off. A Compound of Evaporated Skimmed Milk and Vegetable Fat. Contains 7.8 per cent vegetable fat; 25.5 per cent total solids. The Hebe Company. Offices: Chicago—Seattle, U. S. A.

And also contains the statement—

For Cooking, Baking, Coffee. Do Not Use In Place of Milk for Infants.

To this there is no charge made as to misbranding food in interstate commerce. If not properly labeled, or if misbranded, the Department of Agriculture could, under the pure food and drugs act, suppress the practice.

In discussing the matter of properly marking the cans in which the filled milk is sold and printing a warning on the containers against the use of the substitute for certain purposes, Doctor McCollum had the following to say before the committee:

Mr. KINCHELOE. Why could they not be protected by the prescription on here saying, "Do not do that"?

Doctor McCOLLUM. That would protect those who are capable of reading and who take the trouble to interpret the labels, but I am speaking in behalf of those tens of thousands of uneducated mothers, of foreign mothers, who are not capable of reading that label. We are protecting the public against poisonous drugs, in so far as it is possible, by laws and ethical considerations regulating the actions of pharmacists. That is the best we can do (p. 34).

Undoubtedly much of this substitute is sold as real compound milk and not as filled milk, and at the same price as the real article. The following testimony before the committee would so indicate.

Mr. ENGELS. I might also add, supplementing his remark, I was dictating a little to my stenographer yesterday afternoon. He had just gotten back from a visit to New Hampshire, and the people he visited up there were paying 17 cents a can for Carolene and thought it was a full evaporated milk, and they were amazed when they found out that it was not (p. 169).

Mr. CLAGUE. In connection with what the gentleman has stated, I wish to have it appear in the record that I inquired at a large number of stores in Washington just to find out the price of Hebe within this last two weeks, and condensed milk, and almost without exception the price was the same. I did not go to 15¢, but I went to quite a large number of the leading grocers in this city.

Doctor LARSON. Week before last these 156 stores sold the real product for 9 cents for the large can and the filled milk for 10 cents (p. 126).

Another matter worthy of consideration is the importance of agriculture, its future progress and prosperity, which is the very foundation of our Nation's growth and greatness. All wealth springs from Mother Earth. Our bread basket was essential in winning the war. All agree that upon the tiller of the soil depends the stability of our Nation and the happiness of our people. When we turn to the census reports we find that more than half of the American people live in rural districts. We find that more than 6,000,000 farmers and 6,000,000 farm laborers, tilling more than 6,000,000 farms, produced last year 5,600,000,000 bushels of cereals, which is about one-third of the production of cereals in the world, and about 917,000,000 bushels of wheat, which is about one-third of the wheat produced in all the world. We have 43,000,000 head of cattle, 23,300,000 milch cows, giving more than 8,500,000,000 gallons of milk. We have 71,000,000 swine, 49,000,000 sheep, and 19,500,000,000 pounds of meat, pork and mutton. Our factories and mills have for some time been running on part time, with only 35 per cent production. This has not caused much disturbance. True, there is an occasional local disturbance here and there. The failure of a crop, or only a 35 per cent production of crop, would cause not only a national calamity, but great alarm throughout the world. The fertility and productivity of the soil, the yield, and the crops are dependent upon the dairy cow. Without the dairy, the rejuvenating of the soil, we would have a shrinkage in yield and depletion of the soil, and as a result the farms would be deserted. If so, the dairy and this legislation is not only to the interest of our 6,000,000 farmers and 6,000,000 wage earners on the farm, but to all of our people. It is unnecessary to say that just laws to prohibit the manufacture and sale of the counterfeit, and an honest enforcement of such laws, are necessary.

In my opinion fraud, made possible by counterfeiting, should not be tolerated. It should be prohibited in every form. In my opinion the counterfeiting of milk is just as unjust, if not more so, as the counterfeiting of gold dollars. Counterfeiting a \$10 gold piece robs the victim of \$10. The counterfeiting of 100 pounds of butter fat, worth \$35, by substituting for it 100 pounds of coconut fat, worth \$12, and selling the compound at milk prices, not only robs the victim of \$23, but if served to infants or invalids it may rob him of his child or other member of his family.

The counterfeit of milk is on a par with the counterfeiting oleo for butter. We have had much experience with oleo laws. Thirty-two States, with five-sixths of our total population, enacted laws prohibiting the sale of yellow oleomargarine. According to Secretary Gage's report, 5,492 dealers were then engaged in selling the counterfeit oleo in violation of the State laws. They sold in 1889 in those 32 States 62,825,582 pounds of yellow oleomargarine made in semblance of butter, while 1,501 dealers sold 16,860,141 pounds in the remaining States. Iowa had a drastic law prohibiting the coloring of substitutes in imitation of butter or cheese, and requiring that every package be plainly marked "Substitute for butter," and that each sale be accompanied by a verbal notice and printed statement that the article was an imitation and giving the address of the maker, and also requiring that the use of the imitation in hotels and bakeries must be made known by signs. Nevertheless, as shown by Secretary Gage's report, three dealers sold 79,927 pounds of yellow oleomargarine in the year 1889 in the State of Iowa, every pound of it sold in violation of the law and every pound thus sold displaced a pound of butter and robbed the dairy producer of his legitimate market. B. P. Norton, then dairy commissioner of Iowa, stated in a letter:

I have no doubt that we are injured \$2,500,000 every year for the benefit of the oleomargarine producer and the consumers are not at all benefited.

Mr. JOHNSON of Mississippi. Mr. Chairman, will the gentleman yield?

Mr. HAUGEN. We all believe in just laws and an honest administration of such laws. We can not be contented with anything else. Legislation not to deprive an individual, corporation, or interest of a single dollar honestly acquired, but legislation to promote progress, prosperity, and happiness to all our people, to see to it that nobody is imposed upon, that all are given adequate protection against counterfeiting, resulting in fraud and deception; yes, against any invasion on the part of unscrupulous interests in order that we may have the fullest development of every worthy and legitimate enterprise, certainly legislation to protect the health and lives of our people. [Applause.]

I ask unanimous consent to incorporate in my remarks excerpts from the hearings.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. HAUGEN. I ask unanimous consent, Mr. Chairman, to revise and extend my remarks.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. JACOWAY. Mr. Chairman, I yield five minutes to the gentleman from Louisiana [Mr. LAZARO].

The CHAIRMAN. The gentleman from Louisiana is recognized for five minutes.

Mr. KINCHELOE. Mr. Chairman, I think we ought to have more people here to hear the discussion. I make the point of order that there is no quorum present.

The CHAIRMAN. The gentleman from Kentucky makes the point of order that there is no quorum present. The Chair will count. [After counting.] Ninety-six Members are present—not a quorum.

Mr. KNUTSON. Mr. Chairman, I ask for tellers.

The CHAIRMAN. No quorum is present. The Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

|                 |              |                  |                 |
|-----------------|--------------|------------------|-----------------|
| Andrew, Mass.   | Copley       | French           | Kinkaid         |
| Anthony         | Coughlin     | Frothingham      | Kitchin         |
| Atkeson         | Crago        | Gallivan         | Kline, N. Y.    |
| Barkley         | Cramton      | Garrett, Tenn.   | Knight          |
| Beck            | Crowther     | Glynn            | Kraus           |
| Blakensy        | Cullen       | Goodykoontz      | Kreider         |
| Bland, Ind.     | Dale         | Gould            | Kunz            |
| Bland, Va.      | Davis, Minn. | Graham, Ill.     | Langley         |
| Boies           | Dempsey      | Graham, Pa.      | Larson, Minn.   |
| Brand           | Dickinson    | Griest           | Layton          |
| Britten         | Drane        | Griffin          | Linthicum       |
| Brooks, Pa.     | Drewry       | Hammer           | McArthur        |
| Brown, Tenn.    | Driver       | Hawley           | McFadden        |
| Burke           | Dunbar       | Himes            | McKenzie        |
| Cantrill        | Dunn         | Hogan            | McLaughlin, Pa. |
| Carew           | Ellis        | Hudspeth         | McPherson       |
| Chandler, N. Y. | Evans        | Ireland          | Maloney         |
| Chandler, Okla. | Fairchild    | James            | Mann            |
| Christopherson  | Favrot       | Jefferis, Nebr.  | Mansfield       |
| Clark, Fla.     | Fenn         | Johnson, S. Dak. | Michaelson      |
| Classon         | Fess         | Johnson, Wash.   | Mills           |
| Cockran         | Fields       | Kahn, Calif.     | Mondell         |
| Cole, Iowa.     | Fish         | Kelley, Mich.    | Montoya         |
| Collins         | Focht        | Kelly, Pa.       | Moore, Ill.     |
| Connell         | Fordney      | Kendall          | Morin           |
| Connolly, Pa.   | Foster       | Kennedy          | Mudd            |
| Cooper, Ohio.   | Free         | Kindred          | Nelson, A. P.   |

|                  |               |               |                |
|------------------|---------------|---------------|----------------|
| Nelson, J. M.    | Reber         | Stafford      | Tyson          |
| Newton, Minn.    | Riordan       | Stiness       | Upshaw         |
| Nolan            | Rogers        | Stoll         | Valle          |
| O'Brien          | Rosenbloom    | Strong, Pa.   | Vare           |
| Ogden            | Rouse         | Sullivan      | Walters        |
| Oldfield         | Rucker        | Sweet         | Wason          |
| Olpp             | Ryan          | Tague         | Wheeler        |
| Palge            | Sabath        | Taylor, Ark.  | Williams, Tex. |
| Park, Ga.        | Sanders, Ind. | Taylor, Colo. | Winslow        |
| Patterson, N. J. | Sears         | Taylor, Tenn. | Wise           |
| Pringley         | Sinnott       | Tillman       | Wood, Ind.     |
| Rainey, Ala.     | Smith, Idaho  | Tilson        |                |
| Rainey, Ill.     | Smithwick     | Tinkham       |                |
| Reavis           | Snyder        | Treadway      |                |

Thereupon the committee rose; and the Speaker having resumed the chair, Mr. Hicks, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having under consideration the bill (H. R. 8086) to prohibit the shipment of filled milk in interstate or foreign commerce and finding itself without a quorum, he had caused the roll to be called, whereupon 270 Members responded to their names, a quorum, and he submitted a list of absentees for entry in the Journal.

The SPEAKER. The committee will resume its session.

The CHAIRMAN. The time now stands as follows: The gentleman from Arkansas [Mr. JACOWAY] has 70 minutes remaining. The gentleman from Wisconsin [Mr. VOIGT] has 61 minutes remaining. The Chair recognizes the gentleman from Arkansas.

Mr. JACOWAY. Mr. Chairman, I yield five minutes to the gentleman from Louisiana [Mr. LAZARO].

The CHAIRMAN. The gentleman from Louisiana is recognized for five minutes.

Mr. LAZARO. Mr. Chairman, yesterday we passed the bill giving agriculture representation on the Federal Reserve Board, and soon we will pass the bill extending the time of the War Finance Corporation. Both of these bills are nonpartisan and meritorious and should become law. I wish to discuss both bills briefly, first the bill giving agriculture representation on the Federal Reserve Board.

When we take into consideration the fact that the Federal Reserve Board is not created for the purpose of making loans only, but to decide on a general policy to be pursued, it seems to me highly desirable that the various basic activities of this country should be represented on the board. It is important that there should be on this board some man who is agriculturally minded, who appreciates the effect upon agriculture and upon prices of certain large policies in administering our great credit machinery. I think it is highly desirable that inasmuch as the law already provides for representation, industrially and commercially, we should add agriculture, which certainly is the basic and fundamental industry of this country. Surely all must agree that in considering, financially, industrially, and commercially, the industries of the country, agriculture also should be included.

The bill extending the time of the War Finance Corporation merely extends the operation of credit facilities we are already familiar with. I was one of those who helped to revive the War Finance Corporation, and I do not know of any other measure that did more to help agriculture and business throughout the United States than this measure. The people are just beginning to learn its benefits and are asking that it be continued. It is realized now more than ever that it is absolutely necessary to have better credit facilities in order to have ample production and intelligent marketing. We are not asking for special benefits for special sections or classes, but fair and equal treatment for all the people engaged in all the industries of the country. When all the industries are represented in the operations of our laws there will be less contempt for the law and more prosperity and happiness among our people.

Agriculture has been brought to a point where its future is imperiled, where it is bound to go backward unless real relief is to come soon. The need of a constructive national program looking to the rebuilding of agriculture is absolutely necessary. That fact is appreciated by business men and laborers everywhere. It is plain to all now that there must be production and prosperity on the farms if we are to have employment and good wages in the cities. What contributes to the prosperity of agriculture unquestionably benefits all industries. It is not class legislation to demand that agriculture has as good credit facilities as any other business. It is legislation in the interest of all classes. It seems to me that it is high time for us to understand that if we are to revive agriculture, business, employment, and prosperity in this country we must adopt a national constructive agricultural program.

First. This program must include representation of agriculture in the Government bureaus that have to decide upon

policies governing loans. There must be longer terms and a lower rate of interest.

Second. The perfecting of our laws facilitating cooperative marketing.

Third. Laws punishing severely illegitimate speculation in the exchanges of the country. The larger part of the living cost to-day is added to the price of food and clothes after they leave the farmers' door. This the consumers in the big centers should understand, and when they do I am sure they will cooperate and support us in demanding that our system of distribution be protected from these gamblers.

Fourth. The extension of better warehousing facilities, where our products can be stored without danger of being damaged by the elements, graded intelligently, and negotiable certificates can be issued permitting the owners to use them in their daily business transactions.

Fifth. Perfecting of the farm loan system, with the view of encouraging home ownership. This is not only good business but it is vital to the preservation of our country and its institutions against the spread of radicalism.

Sixth. The recognition of the tariff as a nonpolitical and economic problem, with the view of giving equal protection to our agricultural products that is given to our manufactured products, not with the idea of enriching a few at the expense of the many, but reasonable protection to maintain our American standard of wages and living.

Seventh. Better and cheaper transportation facilities, which will come to us only when we adopt a comprehensive system of transportation, coordinating the use of good roads, railroads, and waterways.

Eighth. Business and economy in local, State, and National government, with the view of reducing the burden of taxation. We are going through a period of reconstruction and unrest, and I believe our people are more interested in the immediate and proper solution of these big problems than they are in politics. I believe, too, that they expect us to work here as Americans rather than partisans in passing the laws that are necessary to give the country relief. [Applause.]

I ask unanimous consent, Mr. Chairman, to revise and extend my remarks.

The CHAIRMAN. The gentleman from Louisiana asks unanimous consent to revise and extend his remarks. Is there objection?

There was no objection.

Mr. VOIGT. Mr. Chairman, I yield five minutes to the gentleman from Iowa [Mr. TOWNER].

The CHAIRMAN. The gentleman from Iowa is recognized for five minutes.

Mr. TOWNER. Mr. Chairman, I shall support this bill without any hesitation. Its purpose is to prevent the shipment in interstate commerce of an article which is at once fraudulent and injurious. There is not any question in my mind as to the constitutionality of this act. The evidence before the committee and the report of the committee show clearly that while it is labeled correctly, it is sold as a fraudulent product; that it is represented to be milk; that it is sold as milk when, as a matter of fact, it is not milk.

Perhaps the most valuable element in milk is the butter fat, which in filled milk has been entirely removed. The most valuable constituent of butter fat is that mysterious and hitherto almost unknown substance that we now call "vitamine," and without which it is virtually impossible to sustain human life. The substitute which is used for butter fat is entirely without vitamine, and therefore that which is of most value in the milk, which is admitted to be the most valuable of all human food, has been abstracted and taken away from this product.

The evidence before the committee shows quite clearly that this product is sold in the neighborhoods where in many cases the people are either so ignorant or so unacquainted with the English language that they can not know and do not understand the labels that are placed upon it, and in that way it is in fact a fraud that is perpetrated upon them.

The evidence also shows that it is represented in many cases by the dealers in milk to be really evaporated or condensed milk, which it is not.

Mr. WALSH. Mr. Chairman, will the gentleman yield?

Mr. TOWNER. Yes.

Mr. WALSH. This measure, of course, will not prevent these ignorant people from purchasing it if they live in the States which manufacture it?

Mr. TOWNER. The gentleman is correct.

Mr. WALSH. Would the gentleman contend that we would have jurisdiction to prohibit the shipment of skimmed milk in interstate commerce because it did not contain the butter fat?

Mr. TOWNER. I do not know whether we would or not. That is not the proposition, and we have not the evidence as to that that we have in this case. The evidence in this case clearly establishes the fact that there is a fraud being perpetrated in the sale of this milk in interstate commerce; and if it is a fraud, then it is constitutional to prohibit its transportation in interstate commerce. If it is a misbranded article, it is perfectly within the jurisdiction of Congress to prevent its being sold in any form. The pure food law has been sustained upon almost every possible ground that could be imagined. And the Supreme Court has always held that if the article sold was deleterious, that if it was in any way a fraudulent article, it could be prohibited from interstate commerce; and in this case the testimony goes so far as to show that so eminent an authority as one of the physicians of Johns Hopkins University says that an infant fed on this milk would certainly have rickets within a short time. That is the condition under which this bill is presented.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. TOWNER. Has the gentleman any further time that he can grant me?

Mr. VOIGT. I yield the gentleman two minutes more.

Mr. TOWNER. Now, why should not this legislation be passed? If it is constitutional under the authorities, why should we not protect the lives of the children of the United States? If we can be of any assistance within our lawfully constituted powers in so vitally important a matter, ought we not to do it? If a fraud is being perpetrated which is injurious to the health of the babies and the children of the United States, ought we not to do our part to try to prevent it?

Mr. WALSH. I dislike to interrupt the gentleman when he has such a short time, but why does not this come under the pure food law as it is now on the books? If this be a fraud and deleterious, why does it not come under the pure food law?

Mr. TOWNER. Simply because under the provisions of the pure food law, unless it is misbranded, even when it is an adulteration of an article, if it is not misbranded it may be sold. Of course, the difference lies purely in the fact that this is not, in fact, misbranded. It is given some kind of an artificial name, and the wrong and the injury comes because it is, in fact, in the form of milk, and is sold in cans of exactly the same size, and those who purchase it are made to believe that it is, in fact, condensed milk, so that in reality it is a fraud perpetrated upon the people who above all others in the world ought not to be injured. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. VOIGT. Mr. Chairman, I yield to the gentleman from Minnesota [Mr. KNUTSON].

Mr. KNUTSON. Mr. Chairman, the so-called Voigt filled-milk bill is one of the most meritorious measures to come before this House in a long time. The bill seeks to put a stop to a flagrant fraud that has been perpetrated upon the babies of the Nation for a number of years, and its passage has been urged by women's clubs and civic bodies as well as farmers' organizations from every section of our land.

Just what does this bill propose? Simply this: To prevent the introduction of filled milk in interstate commerce, and I am amazed that there should be those in this body who would prevent its enactment on constitutional grounds. Mr. Chairman, I am not a lawyer, therefore I will not attempt to discuss this measure from a legal angle. I do hold, however, that Congress has the right to enact this legislation, for it is clearly in the interest of public welfare. Years ago Congress legislated on oleomargarine and it was upheld by the courts. This legislation is on all fours with the oleomargarine legislation, and if it is carried into the courts it will surely be upheld.

There is absolutely nothing that can be said for filled milk. It is an indefensible fraud that has been perpetrated on unsophisticated foreigners for the past six or seven years. The manufacturers extract from the whole milk all the butter fat and vitamins, which is replaced with an equal amount of refined coconut oil. The butter fat is worth about 45 cents per pound, while the substitute is only worth 7 or 8 cents. The adulterated product looks like the genuine article, but it is absolutely without value as a food, and the poor babies to whom it is fed become undernourished and emaciated. It stunts the poor little things in body and soul, and yet there are those who plead for the manufacturers of these damnable articles of fraud and would have us believe they are honest, upright business men.

Dr. E. V. McCollum, of Johns Hopkins University, recently conducted a series of very interesting experiments on the effect of feeding filled milk to rats. These experiments were made at the request of the Committee on Agriculture of the House. I herewith append the result of these investigations:



FACTS ABOUT "FILLED MILK."

[Issued by the National Milk Producers' Federation, Washington, D. C., May, 1922.]

M'COLLUM'S EXPERIMENTS ANSWER CONGRESSMAN'S DOUBTS.

We are giving here, for the first time, the official result of the experiments, so that you may know what value filled milk compounds have in promoting growth.

The experiment conducted by Doctor McCollum was among the 4,500 or more which he has conducted in nutrition work.

In these investigations the filled milk compound and the whole evaporated milk used were purchased in cans at retail, in the open market, and represented the product used in family consumption. Both classes of the product were made by the same manufacturing concern.

Several groups of rats were used in making the experiments. They were alike in breeding, age, health, and general condition. The rats were about 40 days old at the beginning of the experiments.

Doctor McCollum divided his rats into different groups according to the ration fed. The filled-milk group, the evaporated whole-milk group, and the coconut-oil group. The filled-milk group and the evaporated-milk groups were subdivided into two classes, according to the amount of filled milk and evaporated milk used in the ration.

The rat No. 1 was of the evaporated milk group, which was fed the following ration: Rolled oats, 60 per cent; salt, 1 per cent; lime, 1 1/2 per cent; dextrin, 15 per cent; together with 22.5 per cent of evaporated whole milk.

He grew steadily. His hair is slick with the natural gloss. His eyes are bright, skin healthy and tough. This group carried on under this diet for 163 days and at the close of the investigation was used for demonstrations in other experimental fields.

The rats of the filled-milk group were divided into two classes. Seven rats of one of these subgroups were fed a ration of rolled oats, 60 per cent; salt, 1 per cent; lime 1 1/2 per cent; dextrin, 15 per cent; and filled milk, 22.5 per cent. These rats early developed symptoms of xerophthalmia, the fatal eye disease. They were not over half the size of the rats of the evaporated whole-milk group. \* \* \* The bodies are emaciated. The hair coarse, thin, and dry. Bodily these rats were deformed and the ribs knobby. Their eyes had a fishy, glazed appearance with deep fissures in the lids. In 48 days four of the rats of this group died. At the end of 55 days the remaining three of the group had also died. \* \* \*

The second class of the filled-milk group of rats were fed a ration of rolled oats, 60 per cent; salt, 1 per cent; lime, 1 1/2 per cent; dextrin, 15 per cent; and 90 cubic centimeters of filled milk. Four rats were in this group. These rats all developed xerophthalmia, the fatal eye disease. They were also badly emaciated and exhibited the same general characteristics as the rats of the other filled-milk group. At the end of 119 days all had died.

The coconut-oil group of rats were fed the same basic ration as the rats of the other groups. Fifteen per cent of coconut oil, however, replaced the filled milk or whole evaporated milk used in the ration of the other groups. Six rats were in this group and 39 days after the beginning of the feeding all were dead. All developed severe cases of xerophthalmia. \* \* \*

Numerous cases of xerophthalmia in children have been cited, particularly where there has been a lack of whole milk, butter, or other vitamin-carrying foods in the diet.

Aside from the lack of vitamin content filled-milk compounds are fraudulently sold to an extensive degree as milk.

In very many cases unscrupulous dealers recommend filled milk as equal to or better than whole evaporated milk.

These compounds have also been recommended by some retail dealers as satisfactory food for babies. They are generally sold at the same and even higher prices than whole evaporated milk.

TEN REASONS WHY CONGRESS SHOULD PASS THE VOIGT BILL.

[By Charles W. Holman, executive secretary, National Milk Producers Federation.]

ELEVEN STATES THAT BAR FILLED MILK WITHIN THEIR BORDERS.

Ohio, New York, Wisconsin, New Jersey, California, Utah, Colorado, Maryland, Oregon, Florida, Connecticut.

There are at least 10 major reasons why Congress should pass the Voigt bill, H. R. 8086, prohibiting the movement in interstate and foreign commerce of so-called filled milk.

Here they are:

PUBLIC WELFARE.

1. Labeling methods enable fraudulent practices to thrive.
2. Many merchants in poorer communities recommend imitation milk for the use of children and babies.
3. Many merchants advertise imitation milk in the newspapers in plain language for genuine milk.
4. While the product is inferior as a food, in most cases we have found merchants selling imitation milk at the same prices and even higher than they obtained for genuine evaporated milk, notwithstanding the cheaper price per case at which they obtained the imitation product.
5. The present pure food and drugs act is not broad enough to cover the case. The Voigt bill supplements it. Its enforcement will be entrusted to the Department of Justice.
6. The Voigt bill is a children's bill; it bans the movement in interstate and foreign commerce of a compound that is vitaminless as to its fat content, but which is designed to take the place of a product rich in all the vitamins.
7. Trading concerns have attempted to sell imitation milk to American organizations engaged in feeding children and mothers in Europe. Both the American Friends Service Committee and the American Relief Administration have been approached and both organizations turned down the proposals.
8. Dr. E. V. McCollum, of Johns Hopkins University, in his public statements points out that America is already suffering from defective nutrition, due in part to the commercialization of certain foods and the degerminating of cereals to enable them to keep longer. He also points out the growing use of vegetable fats—all of which are vitaminless—in the diet. He reasons from this that the substitution of imitation milk in the diet of either the child or the adult will have quite an effect in furthering the process of physical degeneration now going on.

ECONOMIC.

9. Despite regulatory, restrictive, and prohibitory laws in 11 States—Colorado, Oregon, California, Utah, Wisconsin, Ohio, New York, New Jersey, Maryland, Florida, and Connecticut—the filled-milk traffic has been steadily gaining.

Production of filled milk, in both case and bulk goods, was:

|      | Pounds.    |
|------|------------|
| 1919 | 64,995,221 |
| 1920 | 86,561,000 |
| 1921 | 64,893,731 |

In this same comparative period the production of sweetened condensed and unsweetened evaporated milk, both case and bulk goods, was:

|      | Pounds.       |
|------|---------------|
| 1919 | 2,030,957,648 |
| 1920 | 1,578,015,000 |
| 1921 | 1,461,140,312 |

This shows a constant production for "oiled" milk for 1921 as compared with 1919, and a steady reduction in volume of genuine canned milk amounting to over half a billion pounds, comparing 1921 with 1919.

10. Canning whole milk is one of the best ways of helping to find a market for the national whole-milk surplus. It enables the farmer or the manufacturer to seek wider markets and to effect gradual marketing. This medium is now seriously threatened by the advent of these compounds of skimmed milk and coconut oil. The manufacturer is enabled to purchase the coconut oil at 8 to 12 cents per pound—a price ranging from one-fifth to one-fourth the price of butter fat. Such a wide difference in production costs can not be met by milk producers. They are constantly faced with increasing expenses due to the increasing desire of both the producing and the consuming public for more sanitary milk products.

Finally, "oiled" milk does not offer farmers any additional market for their skimmed milk not already afforded by evaporated milk, but it does take away a market for their butter fats.

Mr. Chairman, filled milk has the same deadly effect on babies, and it is in behalf of the little ones that I plead. Let us pass this legislation without delay and thereby do much to safeguard the health and lives of those who will be our citizens of to-morrow.

Mr. TINCHER. Mr. Chairman, I make the point of order there is no quorum present.

The CHAIRMAN. The gentleman from Kansas makes the point of order that there is no quorum present. The Chair will count. [After counting.] Eighty-six Members are present; not a quorum.

Mr. VOIGT. Mr. Chairman, I move that the committee do now rise, and I request that that motion be voted down.

The question was taken, and the Chair announced the noes appeared to have it.

Mr. VOIGT. Mr. Chairman, I ask for tellers. Tellers were ordered.

The committee again divided, and the tellers [Mr. Voigt and Mr. Jacoway] announced that there were—ayes 3, noes 89.

The CHAIRMAN. The committee declines to rise; a quorum is not present, and the Clerk will call the roll.

The roll was called, and the following Members failed to answer to their names:

|                 |                  |                  |                |
|-----------------|------------------|------------------|----------------|
| Anthony         | Dunn             | Knight           | Rodenberg      |
| Atkeson         | Ellis            | Kraus            | Rogers         |
| Bankhead        | Evans            | Kunz             | Rosenbloom     |
| Barkley         | Fenn             | Langley          | Rouse          |
| Beck            | Fess             | Larsen, Ga.      | Ryan           |
| Bell            | Fields           | Larson, Minn.    | Sanders, Ind.  |
| Blakeney        | Focht            | Layton           | Sanders, N. Y. |
| Bland, Ind.     | Fordney          | Linthicum        | Sears          |
| Bland, Va.      | Frear            | Little           | Smithwick      |
| Boies           | Free             | McArthur         | Snell          |
| Brand           | French           | McFadden         | Snyder         |
| Britten         | Prothingham      | McLaughlin, Pa.  | Sproul         |
| Brooks, Pa.     | Gallivan         | McPherson        | Stafford       |
| Campbell, Pa.   | Garrett, Tenn.   | Madden           | Stedman        |
| Cantrill        | Garrett, Tex.    | Maloney          | Stines         |
| Chandler, N. Y. | Goodykoontz      | Mann             | Stoll          |
| Chandler, Okla. | Gould            | Mansfield        | Strong, Pa.    |
| Christopherson  | Graham, Ill.     | Michaelson       | Sullivan       |
| Clark, Fla.     | Graham, Pa.      | Mills            | Summers, Tex.  |
| Clason          | Griest           | Montague         | Sweet          |
| Cockran         | Griffin          | Moore, Ill.      | Tague          |
| Cole, Iowa      | Himes            | Morin            | Taylor, Ark.   |
| Cole, Ohio      | Hudspeth         | Mudd             | Taylor, Colo.  |
| Collins         | Hukriede         | Nelson, A. P.    | Taylor, Tenn.  |
| Connell         | Humphreys        | Nelson, J. M.    | Tilson         |
| Connolly, Pa.   | Ireland          | Nolan            | Tinkham        |
| Cooper, Ohio    | James            | O'Brien          | Treadway       |
| Copley          | Jeffers, Nebr.   | Oldfield         | Tyson          |
| Coughlin        | Johnson, S. Dak. | Olpp             | Upshaw         |
| Crago           | Johnson, Wash.   | Paige            | Valle          |
| Cramton         | Jones, Pa.       | Park, Ga.        | Vare           |
| Crowther        | Kahn             | Parker, N. Y.    | Ward, N. Y.    |
| Cullen          | Kelley, Mich.    | Patterson, Mo.   | Wason          |
| Dale            | Kelly, Pa.       | Patterson, N. J. | Wheeler        |
| Davis, Minn.    | Kendall          | Porter           | Williams, Ill. |
| Dempsey         | Kennedy          | Rainey, Ala.     | Winslow        |
| Denison         | Kindred          | Rainey, Ill.     | Wood, Ind.     |
| Dickinson       | Kinkaid          | Reavis           | Woodyard       |
| Drane           | Kitchin          | Reber            | Wright         |
| Driver          | Kleccka          | Riddick          | Zihiman        |
| Dunbar          | Kline, N. Y.     | Rlordan          |                |

Thereupon the committee rose; and the Speaker having resumed the chair, Mr. Hicks, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having under consideration the bill H. R. 8086, finding itself without a quorum, he had directed the roll to be called, and that 268 Members, a quorum, had answered to their

names, and that he presented the list of absentees to be entered in the Journal and Record.

The committee resumed its session.

Mr. WALSH. Mr. Chairman, the pending vote is that the committee do now rise, is it not?

The CHAIRMAN. That vote was defeated.

Mr. WALSH. But there was no quorum developed.

The CHAIRMAN. A quorum has now been developed. There is a quorum present.

Mr. WALSH. The vote was pending at the time, but the absence of a quorum was developed. We took the vote by tellers, and it appeared on that vote that there was no quorum present. Is not that now the pending question before the committee?

The CHAIRMAN. The question is on the motion that the committee do now rise.

The question was taken, and the motion was rejected.

Mr. VOIGT. Mr. Chairman, I yield 10 minutes to the gentleman from New York [Mr. CLARKE]. [Applause.]

Mr. CLARKE of New York. Mr. Chairman, Josh Billings once remarked that he had seen many things on milk, but the best thing was cream. [Laughter.]

Members of Congress, when they go to the House restaurant and order mush and milk or bread and milk for their luncheon, as many of us do, have their milk served in bottles, and invariably you will see the Congressman inspecting the bottle to see how rich the milk is in the cream that rises to the top.

If you take this cream off or separate it from the milk and extract an additional amount with the separator, you get so-called skim milk or thin milk. If you take this skim milk or thin milk and partially evaporate it, then substitute for the cream taken away coconut and vegetable oils, you have "filled milk."

This bill (H. R. 8086) seeks to prohibit the shipment of so-called "filled milk" in interstate and foreign commerce.

The facts in the case are: There has grown up in this country a business of very considerable proportions, estimated to consume about 200,000,000 pounds of skimmed milk per annum. The product of this business is called "filled milk" and bears various trade names, such as "Hebe," "Enzo," "Nutro," "Nyko," and so forth. Filled milk is an evaporated skimmed milk, and may be properly defined as "any milk, cream, or skimmed milk, whether or not condensed, evaporated, concentrated, powdered, dried, or desiccated, to which has been added or which has been blended or compounded with any fat, or oil other than fat, so that the resulting product is in imitation or semblance of milk." Through the skillful wording of the labels and the more skillful manipulating of distributors, this filled-milk product is palmed off on the unsuspecting public as a whole-milk product. In simpler and less technical terms "filled milk" is evaporated milk from which the cream has been removed and, for the cream taken away, there has been substituted from 6 to 8 per cent of coconut or other vegetable oil. In the process of manufacturing this "filled" milk there has been taken out of that original, healthy, whole-milk product not only the cream but a large proportion of the essential, indispensable, nourishing element, the fat soluble or vitamins that experts in dietetics or nutrition include as an invaluable element of milk. Professor Mendel, of Yale, and Professor McCollum, of Johns Hopkins, the two leading authorities, agree that these vitamins are essential for a well-rounded ration for humankind, especially in the feeding of infants and small children.

"Filled" milk, when put to a laboratory test, shows that mice and rats that have been fed on it waste away, become scrawny, mangy, undernourished, and susceptible to disease, while others fed on the whole milk—under exactly similar conditions—are strong, vigorous, healthy, and almost immune from disease. It naturally follows that humankind, especially children and infants, fed on this milk do not obtain these healthy vitamins and are undernourished and often become subject to and susceptible of disease, especially rickets. This "filled" milk product finds its largest market in the industrial centers where foreign born live, and its victims are children.

On the economic side I point to the lesson of experience. Dairy centers in the Middle West, with great effort and at a heavy expense, had developed a large foreign market for whole-milk cheese. This market was promising, not alone in the large demand for this wholesome, healthy product, but in the prospect for enlarging the markets through the years, when along come Avarice and Cunning in the guise of "filled" cheese manufacturers, filled with an inordinate greed for profits, taking advantage of the situation developed by these pioneer dairy interests and they began underselling with their "filled-milk" cheese, so that with this semblance of the real thing incalculable in-

jury was done the dairy farmers, and this foreign market so laboriously built up was destroyed. The present bill proposes that history shall not repeat itself with this fundamental "filled" milk product, and further proposes to prevent the sacrifice of infants on the altar of greed.

Arguments were presented at the hearings that these "filled" milk products were properly branded and came within the scope of the so-called "Food and drugs act of June 30, 1906." To show the firmness of their arguments one has but to turn to the records of the hearings, where it was admitted by the manufacturers themselves that—although they still keep up the rest of the imitation—they have changed the wording of the labels, not once or twice but many times, to meet the demands of public opinion and to try and keep within the law.

These "filled-milk" manufacturers claim it is not within the power of Congress to prevent the interstate transportation of their product. I now invite your careful attention to the "Pure food law," and especially to section 7 of that act that defines the adulteration of food, as follows:

That for the purpose of this act an article shall be deemed adulterated \* \* \* In the case of food:

First. If any substance has been mixed or packed with it so as to reduce or lower or injuriously affect its quality, strength, or purity.

Second. If any substance has been substituted wholly or in part for the article.

Third. If any valuable constituent of the article has been wholly or in part abstracted, or if the product be below that standard or quality, strength, or purity represented to the purchaser or consumer.

I wish to call your attention to these words in the first paragraph of that act:

An article is deemed adulterated (in the case of food) when any substance has been mixed or packed with it so as to reduce or lower or injuriously affect its quality, strength, or purity.

Can anyone successfully contend that the natural, whole milk, from which has been taken its cream, or 50 per cent of the fat, soluble vitamins, is not such an article as to come squarely within the wording and intent of the first paragraph of section 7?

But let us proceed a step further, and in the second paragraph of that same section 7 is this wording:

If any substance has been substituted, wholly or in part for the article.

And surely in the "filled milk" there has been substituted for the cream vegetable oils.

In the third paragraph of section 7 we find the absolute conviction of these misbranders and "filled-milk" manufacturers, where the language is again clear and beyond peradventure, for it says that an article of food is adulterated "if any valuable constituent of the article has been wholly or in part abstracted," and it is a certainty that from the whole milk the valuable constituent cream has been abstracted. So that this "filled milk" comes not within one paragraph of section 7 but within each of the three paragraphs. The whole conception, intent, and wording of this section is founded upon the theory that the law was not only to guard the public health but to prevent fraud upon the public.

Let us take one of these labels on their cans and see what it says. "This product contains 7.8 per cent vegetable fat, 25.5 per cent total solids." What does this language mean to you, Mr. Congressman? If you find difficulty in comprehending it, how about the poor and illiterate mother? But Mr. Hayward, a friendly witness for the manufacturers of this "filled milk," explains this to mean that 7.8 per cent of the 25 per cent is milk solids and fats and that 7.8 per cent of the 25 per cent, or 25 1/2 per cent, is vegetable fat and the balance 50 per cent water. This is the product these "filled milk" producers want to send out in disguise—an impoverished milk compound—to unfairly compete with the wholesome, healthy, life-sustaining vitamins, the pure, wholesome, natural product of the cow.

Now, let us briefly examine the question of the constitutionality of the so-called Voigt bill now before us.

First, I contend that Congress may prohibit the transportation in interstate and foreign commerce of any article the use of which may be regarded as injurious to the public welfare, and maintain that this "filled milk" is such an article.

In the leading case of *Gibbons v. Ogden* (9 Wheat. U. S.) Chief Justice Marshall sets forth the intent of that power—i. e., to prohibit the transportation in interstate and foreign commerce—as follows:

It is the power to regulate; that is, to prescribe the rule by which commerce is to be governed. This power, like all others vested in Congress, is complete in itself, may be exercised to its utmost extent, and acknowledges no limitations other than are prescribed in the Constitution. These are expressed in plain terms and do not affect the questions which arise in this case \* \* \* or which have been discussed at the bar. If, as has always been understood, the sovereignty of Congress, though limited to specified objects, is plenary as to those objects, the power over commerce with foreign nations and among the several States is vested in Congress absolutely as it would be in a single

government having in its constitution the same restrictions on the exercise of the power as are found in the Constitution of the United States.

And in the celebrated Lottery cases (188 U. S. 321) it has established the principle that the power of Congress to regulate interstate commerce also includes the power to prohibit the interstate carriage of any article deemed by Congress to be injurious in its nature or in its use to the public health, morals, or welfare, despite the fact that the article is not inherently dangerous. I could continue to cite cases in point, but there are others to follow me whose ability is greater, and I shall not trespass upon your time and patience, leaving the cases cited as conclusive on that proposition.

In laying down the second fundamental proposition, that is— that Congress, having the power to prohibit the interstate transportation of adulterated and harmful foods, Congress must necessarily have the power to determine what articles are to be considered adulterated or harmful as a means of making the prohibition effective.

This power is an incidental power, but it was clearly recognized by the Supreme Court in the leading case of *McDermott v. Wisconsin* (228 U. S. 115, 129) as follows:

\* \* \* The article of food or drugs, the shipment or delivery for shipment in interstate commerce of which is prohibited and punished, is such as is adulterated or misbranded within the meaning of the act. What it is to adulterate or misbrand foods or drugs within the meaning of the act requires a consideration of its other provisions, wherein such adulterations or misbranding is defined.

The third proposition I submit to you for consideration is this:

Congress has the power to prohibit interstate shipments of "filled milk" and the power to establish the standard of purity and strength of foods, it being clearly established that Congress has the power to set up standards so as to secure a minimum of the nutritive elements in whatever the product may be and prevent fraud on the general public.

On the face of the proposition these manufacturers of "filled milk" come before you with their product packed in cans similar to those of the long-established whole-milk manufacturers, bearing labels intended to resemble and copies almost of the very labels of the whole-milk containers, the very language of which is intended to deceive the poor, the ignorant, and the careless reader; so I claim, with the above statement of the facts and the decisions of our highest court, they do not come into court with clean hands, and it is up to this Congress, having set up the standards under the pure food and drugs act, to see to it that those standards are lived up to by all and make impossible the interstate shipments of this product.

Having viewed the technical situation and met the legal objections that may be raised, I now wish to present the picture of the dairy farmer in its general aspects. The exploited age of agriculture is nearly over; cheap farms and homesteads are no longer to be had for the asking. Our original rich soil has become impoverished, and the great majority of the farmers would not have farms to-day if they had not received them from their ancestors. If they had to depend upon their earnings, with agricultural conditions as they are to-day, they would be unable to accumulate the price to buy a farm. It can be said, to the everlasting credit of this Congress, that there is no legislative body in the nations of the world that has recognized more clearly that nearly all of the great problems in economics, in their direct or indirect relationship, rest upon agriculture. It can be further truthfully said, that no Congress stands out more conspicuously in its record of giving an attentive ear, a sympathetic attention to, and enacting constructive legislation that establishes on a more equitable basis the agricultural problems left in the aftermath of the war.

The intensive study of these problems given by the Joint Commission of Agricultural Inquiry of the Senate and the House, the great agricultural conference, and the almost continuous hearings, in my own Agricultural Committee, have been reflected in constructive legislation that has indeed been helpful, not alone in its direct relation to this particular subject but in a wider way to agriculture in general.

This bill (Voigt bill) has for its direct object the prevention of fraud upon the public, the elimination of dishonest competition, the prevention of tricky practices that fall down when put to the test of morals, whether it be the manufacturer or the distributor who takes from his shelf, packed in cans made to imitate the real product, this "filled-milk" product, with the recommendation "just as good," that he sells for the same uses as the genuine, whole-milk product, and it costs the distributor at least 3 cents per can less. The whole object of this bill is shutting the door to these practices that do not meet the standard of common honesty in man's dealings with his fellow man, and to prevent the helpless infant, the poor, ignorant, or illiterate mother from being victimized by avarice and cunning. [Applause.]

Let us look on the humanitarian side for a moment. Unbiased investigators have gone into the poor and thickly settled sections of our industrial centers and have visited, through their visiting nurses, the homes of laborers, and they have found everywhere this product injurious and dangerous for human consumption, the larger part of the nutritive value extracted, and many mothers feeding their helpless children something which they suppose contains nutritive value and vitamins.

The dairy farmers, of whom I am one, come to you to-day, not pleading for a special privilege, not wanting to dig into the Treasury of the United States, not afraid to meet open, fair competitive business, but claiming that as part and parcel of the great fundamental industry of the Nation—yes, as the real backbone of that Nation—they are entitled to be protected from trickery and artifice and fraud in the marketing of their products, whether it be at home or abroad. [Applause.]

No limit marks our hours of labor; the sunrise of morning and the sunset of evening finds us "on the job," and when the day's work is done we plan for the morrow.

There is no class of citizens to-day that enters into the hazards and gambles in the production of the necessities of life that we farmers do; we gamble with Nature in her whims and moods, whether it be the rainfall or the drought; whether it be in the snowstorm that blankets the earth and protects the seed, or in the crust that forms upon the snow and prevents the "cattle on a thousand hills" from getting down to the grass roots, so that starvation and ruination often result; whether it be in the sunshine that causes the seed to sprout and grow or sometimes scorches the earth and destroys the growing crop, or causes the bud and blossom to come forth that bring joy and inspiration to those that "in love of nature hold commune with her visible forms"; whether it be the birds that fly that are sometimes friend and sometimes enemy, or the beetles that crawl; whether it be in those small animals that burrow in the earth and destroy or those that in that same sphere destroy the enemy, it is a continuous struggle, not alone against the seen but as well against the unseen. [Applause.]

To-day our great Agricultural Department and its splendid, sympathetic, well-informed Secretary Wallace are urging the farmers of the North, East, South, and West to rotate their crops, and as the incident of that urging is the encouragement to an enlargement of dairy farming. We must go, therefore, into the markets of the world with our surplus products, and we ask you to assure our dairy farmers by this act that clean, wholesome, healthy, nutritive whole milk shall have no fraudulent competitors to destroy our markets once established. [Applause.]

I am from one of the greatest dairy districts in the world, the scene of many of Cooper's "Leather Stocking Tales," of Uncas and Chingachook, the playground of my youth, my choice, after roaming the country over, for my last rendezvous and final resting place. The Catskills, the land of narrow valleys and precipitous hills, a land largely peopled by the Scotch and Scotch-Irish, who overcame not alone the Indian but Nature herself. On those wondrous hills and in our enchanting vales are those who toiled with my grandparents, my parents, and myself. Boyhood friends abound, and for them as for myself, I plead. And as I plead for them, I plead for the dairy farmers of the great State of New York and the dairy farmers of the North, East, South, and West, for the cause is a common cause, and we look to Congress, certain that it will not fail us, nor that multitude of unborn who shall enter into the better heritage it becomes our paramount duty to pass on. [Loud applause.]

Mr. TUCKER. Mr. Chairman, I never had a clearer idea of my duty than I have of my duty on this bill. To my mind there is no doubt of the unconstitutionality of the proposed bill.

This bill seeks to exclude from interstate commerce "Hebe," "Carolene," and other compounds of skimmed milk and coconut oil and other vegetable oils because neither babies nor rats thrive thereon, as stated by Dr. E. V. McCollum, of Johns Hopkins University. (See hearings before the Committee on Agriculture, House of Representatives, Sixty-seventh Congress, first session, on H. R. 6215, by Mr. VOIGT, p. 19.)

But the hearings also show beyond all question that "Hebe" is a wholesome article, not injurious to health, palatable, and largely used for cooking purposes in pastry, custards, gravies, and so forth, though not as nutritious as but cheaper than skimmed milk. There is no doubt or question on either side that this compound is properly labeled, stating that it is composed of coconut oil and skimmed milk, and the cans also contain a label "Do not use in place of milk for infants." (Hear-

ings, p. 34; also p. 128, Cowan's evidence.) Mr. Vorger himself, the patron of this bill, on page 15 of the hearings, uses this language:

I will say to you gentlemen that there is nothing poisonous or deleterious in this milk compound.

Prof. La Fayette B. Mendel, of Yale University, an expert of high repute on these subjects, in a letter addressed to Hon. JOHN D. CLARKE, a member of the Agricultural Committee of the House of Representatives, shows most clearly that this product is wholesome and valuable, and while not a food on which to raise babies, is harmless if taken by babies. He says:

I mention this because the opponents have spread the impressions among gullible persons that the use of a can of milk compound is a positive menace to the infant which consumes it. Skimmed milk is not a rank poison. It is merely not a complete food for an infant; neither is barley water nor "prepared foods." (See hearings, p. 53.)

See also Dr. J. P. Crozer Griffith's letter (p. 58 of the hearings); also statement of Harry Hayward, of Philadelphia, Pa. (hearings, p. 57); and others maintaining the same view.

That the label is adequate and sufficient is shown by the statement of Mr. Paul R. McKee (hearings, p. 70), where he states that the Bureau of Chemistry of the Department of Agriculture, with the food-control officials of a number of States, were advised as to the adoption of these labels, and they were indorsed by these gentlemen, and then they were told:

Gentlemen, if there is anything else we should put upon the label or leave off of the label in order that the product shall be sold for what it is, we will be very glad to have your suggestions and to follow them.

Thus showing no attempt to deceive the public, but *uberrima fides* in dealing with the public.

These are sufficient to show that the compound is pure, wholesome, and cheap; that good faith has been shown by the makers of it; and the Department of Agriculture has given its sanction to the labels on the cans by which the public may know exactly what is contained in the article.

Now, gentlemen, I challenge the production of a case from the beginning of our Government down to this day in which the Supreme Court has held that an article which is pure, harmless, not deleterious, but an ordinary article in the business of the world, has ever been excluded from the interstate commerce of the country. I challenge the production of such a case. Why, one of the chief objects that induced the formation of our Government was to facilitate commerce. You will remember the Annapolis convention, the forerunner of the Federal convention, met for that purpose, and yet we are asked to vote for this bill whose aim is to destroy commerce, when our Government was formed to facilitate it.

When we look at all powers vested in Congress as trust powers to be used for the States as beneficiaries and as members of one family of Commonwealths, so to be used as to promote union and not disunion, to establish harmony and peace and not discord and hostility between the States, it must be inevitably predicted that the courts will never hold any law of Congress which prohibits, restricts, or ties interstate commerce to be either necessary or proper as a regulation of commerce, but they must hold it to be a perversion of its trust power to the subversion of the fundamental principles of the Constitution. (Tucker on the Constitution, vol. 2, p. 529.)

The broad doctrine laid down in the above paragraph, it may be said, has not been carried out by the subsequent decisions of the Supreme Court, for in *Chapman v. Ames* (188 U. S. 321) the court excluded lottery tickets from the channels of commerce; and in the *Hipolite Egg Co. v. United States* (220 U. S. 45) the court upheld the pure food and drug law, which excluded impure food and drugs from interstate commerce; and in *Hoke v. United States* (227 U. S. 308) the "white slave traffic act" was upheld, whereby a woman was forbidden carriage in interstate commerce for purposes of prostitution, and this case was followed by *Caminetti v. United States* (242 U. S. 470), in which the same doctrine was upheld.

Diseased meat, smallpox patients, infected articles of any character, have been excluded from commerce, and this principle has been affirmed in the cases of *Railroad Company v. Husen* (95 U. S. 465); *Kimmish v. Ball* (129 U. S. 217); *Crutcher v. Kentucky* (141 U. S. 60); and notably in a case that went up from Virginia, *Brimmer v. Rebman* (138 U. S. 78). How are these cases reconciled with the doctrine declared by Tucker, in the above quotation, when he says—

\* \* \* the courts will never hold any law of Congress which prohibits, restricts, or ties interstate commerce to be either necessary or proper as a regulation of commerce.

There is no conflict between that statement and these cases, and in a subsequent paragraph, in discussing the conflict between commercial regulations by Congress and the inspection laws and quarantine laws of the States, which may conflict with such regulations, he declares:

A vessel proposes to enter the harbor of a State under congressional commercial regulations, and the State, to protect its people from disease, quarantines it. These two powers seem to conflict, but they do

not, except as both operate upon the movement of the vessel, though from different sources of power. The vessel is subject to two powers, which are entirely different but not in conflict. The State does not check a rightful object of commerce. It merely erects a bar against disease. Congress regulates the rightful object of commerce, under color of which it can not authorize wrongful commerce. It can not introduce disease, but may a rightful subject of commerce. The two powers are made to consist by restraining the State under color of quarantine from regulating rightful commerce and restraining Congress under color of commerce from regulating the unlawful importation of disease. (Tucker, vol. 2, p. 538; *Compagnie Francaise de Navigation v. State Board of Health*, 186 U. S. 380.)

This view has been strikingly sanctioned by Chief Justice Marshall in the great case of *Gibbons v. Ogden* (9 Wheat. 1), where he says:

It is no objection to the existence of distinct, substantive powers that in their application they bear upon the same subject. The same bale of goods \* \* \* that may be the subject of commercial regulation may also be the vehicle of disease. And the health laws that require them to be stopped and ventilated are no more intended as regulations on commerce than the laws which permit their importation are intended to inoculate the community with disease. Their different purposes mark the distinction between the powers brought into action, and while frankly exercised they can produce no serious collision.

Rightful commerce the court recognizes as free and untrammelled, but there can be no rightful commerce in an impure or diseased article, or an article which is *per se* immoral, like lottery tickets; nor can there be rightful commerce in the transportation of persons for impure or immoral purposes. These are excluded, since it could never have been contemplated that this great Federal power should be the means of producing crime, disease, and immorality.

Two cases have been decided recently which control this case, and show as clearly as the noonday sun that this bill, if it becomes a law, will never receive the sanction of the courts. These are the child-labor cases. The first, *Hammer v. Dagenhart* (247 U. S. 251), was decided at the October term, 1917, and the other, *Bailey v. The Drexel Furniture Co.*, decided May 15, 1922. The first case arose under a law which provided that no article made in a factory in which a child under 14 years of age had been employed during the past year could be carried in interstate commerce. This law having been declared unconstitutional by the court, another bill was brought into Congress and became a law, putting a tax of 10 per cent on the gross receipts of any mill or factory that employed a child under 14 years of age in the manufacture of goods. This was declared unconstitutional on the 15th day of May, 1922. Both decisions are far-reaching and important, and practically settle the unconstitutionality of this bill. For the first time in many years the court, with singular clearness and force, has put its seal of condemnation upon the doctrine of *indirection*; a doctrine which has received the sanction of Congress in many cases, as seen in the legislation of the past few years.

Under these decisions a power given by the Constitution to the Federal Government for a specific national purpose can no longer be used by *indirection* for the purpose of controlling questions which belong to the States. The mask has been taken off and the real object of the law exposed, an object which the Federal power could not constitutionally control.

Hear the language of Chief Justice Taft in *Bailey* against the *Drexel Furniture Co.*:

In the light of these features of the act, a court must be blind not to see that the so-called tax is imposed to stop the employment of children within the age limits prescribed. Its prohibitory and regulatory effect and purpose are palpable. All others can see and understand this. How can we properly shut our minds to it?

In these cases two powers were under consideration, the Federal power to regulate commerce between the States and the State's reserved power to control their children and their labor. The first, the commerce power, is under Federal control; the second, child labor, is under the absolute control of each State. Under our system neither power can destroy that of the other. If the one, the commerce power, can be used to accomplish what it is denied the right and power to do directly, the limitations on power are useless and absurd. If the labor of the child is, under our Constitution, controlled by the States, as decided by the Supreme Court, then if Congress by *indirection* could control that subject the State would be powerless to preserve its right.

Congress has no power to prohibit manufacture in a State, nor to prescribe the conditions under which manufactures may be created, but when the thing manufactured starts on its journey in commerce the Congress has a right to control it as an article of commerce. (*Kidd v. Pierson*, 128 U. S. 1; *Hoke v. United States*, 227 U. S. 332; *De Witt v. United States*, 9 Wallace, 47; *United States v. E. C. Knight Co.*, 156 U. S. 1.) Congress had no power to prohibit the manufacture of whisky in the States by law, and therefore the eighteenth amendment to the Constitution was adopted.

In the bill before us we find Congress denying the transportation of "Hebe" and other compounds from one State to another; but that is really not the object of the bill, for the denial of transportation is nothing but a denial of the manufacture of "Hebe," for "Hebe" is manufactured only to be sold; and if it can not be sold, as it can not be unless allowed transportation in commerce, then this bill is in reality a bill attempting to destroy the manufacture of an article in a State by Congress, which can not be done. Justice Day, in closing his opinion in the first case, does so in these impressive words:

In our view the necessary effect of this act is, by means of a prohibition against the movement in interstate commerce of ordinary commercial commodities, to regulate the hours of labor of children in factories and mines within the States, a purely State authority. Thus the act in a twofold sense is repugnant to the Constitution. It not only transcends the authority delegated to Congress over commerce but also exerts a power as to a purely local matter to which the Federal authority does not extend. The far-reaching result of upholding the act can not be more plainly indicated than by pointing out that if Congress can thus regulate matters intrusted to local authority by prohibition of the movement of commodities in interstate commerce all freedom of commerce will be at an end and the power of the States over local matters may be eliminated, and thus our system of government be practically destroyed. (*Hammer v. Dagenhart*, 247, p. 270.)

Chief Justice Taft, in his opinion in *Bailey* against the Drexel Furniture Co., after indorsing the opinion of the court in *Hammer* against Dagenhart, supra, uses this convincing language:

The analogy of the Dagenhart case is clear. The congressional power over interstate commerce is, within its proper scope, just as complete and unlimited as the congressional power to tax, and the legislative motive in its exercise is just as free from judicial suspicion and inquiry. Yet when Congress threatened to stop interstate commerce in ordinary and necessary commodities, unobjectionable as subjects of transportation, and to deny the same to the people of a State in order to coerce them into compliance with Congress's regulation of State concerns, the court said this was not in fact regulation of interstate commerce, but rather that of State concerns, and was invalid.

His language in another part of that great opinion, it is to be hoped, will not fall unheeded upon unpatriotic legislators:

The good sought in unconstitutional legislation is an insidious feature, because it leads citizens and legislators of good purpose to promote it without thought of the serious breach it will make in the ark of our covenant or the harm which will come from breaking down recognized standards. In the maintenance of local self-government, on the one hand, and the national power, on the other, our country has been able to endure and prosper for near a century and a half.

The voice of the great Chief Justice from yonder judgment seat is still resounding in these halls, calling us back once more to reinstate in this Government the clear, simple, essential principles of our Constitution; and yet we are asked to pass this bill in the teeth of what the court has just declared to be the law. If we are to live under a constitutional government, if under that government we have established a court whose duty it is to declare what we can do and what we can not do, how can we support a bill which the court has declared in a similar case is unconstitutional?

I am constantly in receipt of letters from patriotic men and women throughout the land, as I doubt not you are, asking my opinion as to the best mode of educating the people against socialism, anarchy, and all the "isms" that are threatening the country to-day. I know of no better start in that direction than that we who are charged with the legislation of this country should bow to the limitations of the Constitution as declared by the Supreme Court and not openly defy them. The employer or the laborer who breaks his contract, involving some necessary article for the public; the anarchist who would destroy our Government will find ample justification for their position in the action of this Republican House which continues to defy the Constitution of our Government which they are sworn to support.

Chief Justice Taft's opinion will be epoch making amid the confusion incident to the war, with legal restraints relaxed, with the Federal Government functioning in every direction under continuing war powers, with the people accustomed during the war to look to Washington for all things as the speediest avenue of relief. It was natural for them to forget on the return of peace that their State governments were the natural channels through which their local needs were to be supplied. Not only that, but socialism, communism, and anarchy itself have, during these troublous times, lifted their voices demanding a change of government or an abolition of all government until the watchers on the towers of the constitutional citadels of America have become greatly alarmed. In this crisis, Chief Justice Taft's opinion rings out like an alarm bell in the night, calling back the wanderers to the constitutional fold, affirming the power of this Government to discharge all national and local powers safely under the Constitution, and giving hope and confidence again in the integrity of our Government.

In my judgment, it constitutes the greatest judgment of that great court since *Ex parte Milligan* and the Slaughterhouse cases were handed down by Judge David Davis and Judge

Miller. Along the highway of political progress the Supreme Court has erected many monuments to the cause of constitutional government and civil liberty, and among them, I dare venture to assert, no grander or more imposing one has been or will be erected than that by the hands of Chief Justice Taft in his recent opinion.

"I do not rejoice in this decision because it will allow child labor to be exploited and the lives of our future men and women to be sapped of their vitality by overwork in child labor, but I rejoice in it because its regulation, development, and enforcement will be restored to the States where it can be best and rightfully controlled. This decision will stimulate the States to greater effort in these directions and create a generous rivalry among them to make their respective systems the most perfect in the interest of the children of the country."

In the two child-labor cases referred to the court held that the laws involved showed a purpose to break up child labor, which was a State function and entirely under the power of the State. The first was a fraud on the commerce power of Congress and the second was a fraud on its taxing power, for each was used for an ulterior purpose. In this case the purpose is equally clear, to drive out of the market, and thereby destroy, "Hebe" and the other compounds of skimmed milk and vegetable oils. The question whether "Hebe" should be allowed to be manufactured is solely for State determination, and Congress has no such power. (*United States v. DeWitt*, 9 Wall, 47; and cases cited, supra.)

It will be admitted that Congress has no power to pass a law prohibiting the manufacture of these articles, but Congress seeks by this bill, by indirection, to do this, for it seeks to destroy the sale of the article; and if the sale be destroyed, the manufacture of the article is destroyed. On this point the evidence is conclusive. The report of the majority, submitted by Mr. VOIGT, on this bill, page 6, unequivocally admits that to be the object of the bill:

While the proposed bill will not prohibit the manufacture and sale of the compound within the limits of a State, the committee is of opinion that a law prohibiting the interstate shipment will suppress it, because a sufficient market can not be found without such shipment, and also because a sufficient milk supply can not be found in many States which would warrant engaging in the enterprise.

And, further, in his evidence at the hearings, page 13, in reply to a question of Mr. TEN EyCK, Mr. VOIGT said:

I want to stop the manufacture and the sale of this article, so far as it can be done by this form of bill.

He is asking Congress to stop the manufacture of this article, which alone the States can do, and which a number of States have already done.

Mr. Gray Silver, the Washington representative of the American Farm Bureau Federation, Washington, D. C., in his testimony at the hearings gave expression to the same view in the following colloquy:

Mr. VOIGT. Will you pardon me just a moment there? This bill will not put the skimmed-milk people out of business.

Mr. KINCHLOE. Not necessarily.

Mr. VOIGT. It puts the substitute out of business.

Mr. SILVER. That is the purpose of the bill.

There is other evidence to the same effect in the hearings. The Chief Justice, in his opinion, has stripped the mask from the child labor bill and has proclaimed the doctrine that, the false face, or mask, which hides the real individual, can not, and will not, prevent the court from dealing with the real individual behind the mask; and he has illustrated once again the futility of attempted deception so powerfully expressed in the story of Jacob and Esau, "the voice is Jacob's voice, but the hands are the hands of Esau." If Congress can not by indirection control child labor by invoking the power of interstate commerce when the court sees or knows from all the circumstances that it is the prohibition of child labor that is sought, how can Congress destroy the "Hebe" business by the denial of it in interstate commerce, when the court can see, with equal clearness, that the power of Congress is invoked for the destruction of a legitimate State business and not to facilitate commerce? Such a bill is a fraud upon the court.

This question is no new one to me or to this House. I remember distinctly in the Fifty-second or Fifty-third Congress that a bill was introduced to put a tax of 2 or 3 cents a pound on cottonseed lard. That was all. It looked like a clear revenue measure; and yet, what was back of it? Hog lard. The two articles were competing in the market, both valuable food articles, but the hog lard the most valuable, because it contained more nutriment it was said. Cottonseed lard, clean, pure, and good, could be manufactured cheaper than the hog lard, and therefore it was taking the market from the hog lard. Here was a clear, open field, but the hog-lard people, feeling the market slipping from them, determined that if they could get Congress

to use the great taxing power of the Federal Government to help them out in their hour of stress, and impose a tax upon their competitor, they might survive the struggle. What a spectacle!

The attempt to use the greatest power of the Government, the taxing power, by one competitor against another to drive him out of business—and this in free America; and this in a country that boasts of equality of opportunity to all men; and this is the same dose that this great Republican House is handing out to the followers of that great apostle of human liberty, Thomas Jefferson, who believed in the slogan "Equal rights to all and special privileges to none." It was a great fight, and I am happy to have been among those who aided in defeating such a proposition. I can imagine no more prolific cause of discontent and hostility to the Government than the adoption of such a principle as is carried in this bill. When the powers of the Government can be used to settle the question of competition in commercial life, the act becomes tyranny.

Pure skimmed milk—bad enough at best, for we all like a little cream on it—is more nutritious, I doubt not, than a compound of skimmed milk and coconut oil. But because pure skimmed milk is better than the other article, and costs more, is no reason why the other article should receive its death blow at the hands of the Government, which has promised all industries a fair show. I am bold enough to believe that there is not a man in Virginia, if he properly understands the object and purposes of this bill, who would not admit it is untenable. Because skimmed milk mixed with coconut oil is inferior to pure skimmed milk as a food product gives no right to destroy the one and exalt the other. This bill proclaims a new doctrine—that if Congress finds that one article of a certain class is best, that all others of the same class should be exterminated.

Take a few examples and see where such a doctrine leads you: Shorthorn cattle for many years were regarded by many as the best breed altogether to be had, but of late the Herefords and the Holsteins are looked upon with great favor. Now, suppose the Shorthorn people, to prevent the competition of their breed with the Herefords and Holsteins, could get Congress to lay a tax of \$5 per head on Herefords and Holsteins, or prevent Herefords and Holsteins from being carried in interstate commerce, could any honest man uphold such a law simply because the Shorthorn might be regarded with more favor than the others? Have not Herefords, Holsteins, and other breeds a place in the world for usefulness? Go ask the wives of the farmers of this country whether they would indorse a proposition to have a tax of 25 cents per head upon all Plymouth Rock, Rhode Islands Reds, and Buff Orpington chickens because some people think the little White Leghorn is superior to all others because of its laying qualities. The White Leghorn may be the best altogether, but is there no place for the Plymouth Rock, the Rhode Island Reds, and the Buff Orpington? Are they to be taxed out of existence in favor of the White Leghorns or denied shipment in interstate commerce? Such laws are breeders of anarchy, for the anarchist might well say he would rather have no government than one which uses its power to set up one and destroy another.

I appeal especially to those who claim to be Democrats. We are preparing now to criticize the pending tariff bill in the Senate, which will soon be with us. We charge that our Republican brethren will, as they have done before, having gotten control of the Government, allow the great interests of the country to write their demands in that bill; that that bill, when it passes, will make some people richer and others poorer; and we have always denied the validity of such position; we have always denied that it was the function of government to make any man rich; that its proper function is not to put money in the pocket of any man, but to keep any man from taking money out of the pocket of his neighbor. If this bill is passed and shall become a law, it is an open invitation to any man in business who has competition to come to Congress and get Congress to lay a tax on what his competitor is selling on the specious plea that what he sells is not as good as his article and that what he is selling is better than that of his competitor, or if not put a tax on his competitor, deny to his product the privileges of interstate commerce and thus drive him out of business. From all such bills and all such tyranny, good Lord deliver us. Such things might do for Germany but not for America. "the land of the free and the home of the brave." This "skimmed-milk" diet is the feast to which this Republican House invites us and bids us feed upon. It is good for neither man nor beast and we will have none of it.

Mr. HERSEY. Mr. Chairman, this is a bill to prohibit the shipment of filled milk in interstate or foreign commerce. The term "filled milk" [reading from the bill] means—

any milk, cream, skimmed milk, whether or not condensed, evaporated, concentrated, powdered, dried, or desiccated, to which has been added, or which has been blended or compounded with, any fat or oil other than milk fat, so that the resulting product is in imitation or semblance of milk, cream, or skimmed milk, whether or not condensed, evaporated, concentrated, powdered, dried, or desiccated.

My colleague from Texas [Mr. JONES] admitted that this product is a fraud. I asked him the question whether the foundation of one of these cans produced here in evidence was not skimmed milk, and he said yes. I asked him whether or not they could not be canned and circulated and sold as skimmed milk without any fraud. He said yes.

I asked him then the question, Why add to them something that could not be of any benefit, except that it makes a fraud? And he admitted then that the adding of these oils, these mixtures that add nothing to the food product or to its healthful qualities, was simply to make this look like evaporated milk—condensed milk—to make it look like cream inside when it was open; to deceive the eye on the outside and on the inside.

Mr. WALSH. Mr. Chairman, will the gentleman yield?

Mr. HERSEY. I have but five minutes.

But if you admit it to be a fraud on the public, what becomes of the argument, the constitutional argument of the gentleman from Texas, that you have no right under the Constitution to prohibit a fraud in interstate commerce? The foundation of a prohibition in interstate commerce is a fraud that you are committing on the people. You do not argue further than that.

Mr. JONES of Texas. Mr. Chairman, will the gentleman yield?

Mr. HERSEY. Yes.

Mr. JONES of Texas. I stated that whatever fraud, if any, was perpetrated by this was perpetrated by the retailer in disposing of it after it had left interstate commerce and had got into intrastate.

Mr. HERSEY. I understood you to say it was a fraud to add to it.

Mr. JONES of Texas. It is a combination product, and it is so stated on the label.

Mr. HERSEY. Did the gentleman not admit that in making these cans look like evaporated milk—the putting inside of it of different oils to make it smooth and look like cream—did you do not admit it as a fraud?

Mr. JONES of Texas. I did not admit it as a fraud. It is a combination product, and it is so stated.

Mr. HERSEY. It must be constitutional to prohibit anything that tries to deceive the people—that a certain product is not what it is.

My friend from Texas [Mr. JONES] also cited certain cases, to wit, the child-labor cases, which have nothing to do with this question that is pending before us. The court held that the child labor law was unconstitutional because it attempted to prohibit in interstate commerce a product that was all right, not a fraud. The product of a child's labor upon its face is just the same as the product of adult labor. Clothing or anything else sent through interstate commerce could not be told by the looks of it whether a child worked on it or not. Therefore the product of interstate commerce being all right and not deceiving anybody, of course, you could not make it a crime to send it in interstate commerce. And the further decision, the late decision, he cites, the attempt to prevent it getting through interstate commerce by taxation does no make it a crime. Crime is the foundation of it, and fraud is the foundation of the prohibition of interstate commerce to this article, and therefore it comes under the constitutional powers of the Government to regulate commerce. [Applause.]

A more detailed statement of the facts in this matter disclosed that the business of manufacturing and selling "filled milk" has become not only a money making and profiteering business, but is one of the greatest frauds now being perpetrated upon the public in the matter of food products.

The evidence before the Agricultural Committee shows that these large "filled-milk" factories buy from the farmers dairy milk. By a modern process they extract from the milk all the cream, butter fats, and practically all food products in the milk, leaving it the poorest skim milk that it is possible to produce. They mix this skim milk with coconut oil and other vegetable oils to give it the appearance of pure milk and cream, in its color, and in its smoothness and fatness. This is placed in cans of the same size and outward appearance as the ordinary condensed milk cans. They go further with the imitation and place upon these cans labels and inscriptions like this:

"Contents of this can is prepared in the rich dairying sections of \_\_\_\_\_" (whatever State the product is canned in)—and the further label that "The contents of this can is made

from fresh, pure, cow's milk, with butter fats extracted and refined coconut fats added."

The outward appearance of the can would deceive everybody except those who have made a special study of canned condensed milk. It is sold for about 3 cents cheaper per can than the usual condensed milk, and the ignorant and poorer classes of people, being deceived by its appearance, are led to believe that "it is just as good," and by being cheaper than real condensed milk they purchase it and use it in the family the same as they would use pure condensed milk.

Doctor McCollum, of Johns Hopkins University, Baltimore, Md., testified before the Committee on Agriculture as to this "filled milk" as follows:

Doctor McCOLLUM. The thing for us to do, gentlemen, is this: We are as a Nation now using approximately half a pint of milk per day per person. We are using very little of the green leafy vegetables, and we are using too much meat. The proper thing for us to do is to replace other things in our diet—we should take at least a quart of milk per day, or its equivalent, and we should reduce our meat consumption to approximately 5 per cent of the total energy value of the diet.

I do not know how many children are fed on those substitutes for milk; perhaps none, but there is danger that there will be. How many ignorant people in the crowded quarters of the cities, how many foreigners who know too little English to read a label and to understand the finer points of the thing—how many of them are likely to feed an infant on this canned milk? I guarantee that any infant that is fed for a few weeks on one of these milk substitutes will develop rickets as severe as you see it right here. [Exhibiting photograph.]

Doctor Hart, a well-known medical authority, in his testimony before the Wisconsin Legislature, where a law was passed prohibiting the manufacture of this "filled milk," testified as follows:

This bill should pass if for no better reason than that an uninformed public is just as likely to buy the substitute as it is to buy the genuine article, namely, the evaporated whole milk. The nutrition of the American people should always be liberal. For direct consumption we should never allow as valuable a product as whole milk to be in any way tampered with. The condition into which the people in middle Europe sank during the war in respect to their nutrition ought to make us emphatically insistent upon the use of a liberal dietary for ourselves and our children. The substitution of the inferior coconut oil for the superior butter fat in a product like milk is a thing that the public should not tolerate for one moment.

Charles W. Holman, secretary of the National Milk Producers' Federation, testified before the same committee as to this "filled milk," as follows:

Mr. Balderstan, representing one of our member organizations, has very adequately expressed the view of the federation as a whole. I wish in support of that to read a part of a resolution adopted and subscribed to by our federation in Chicago on May 3 and 4 of this year:

"In recent years a compound made of condensed skim milk and coconut oil has been placed upon the market. The manufacturers of this product, commonly known as filled milk, claim that it provides a market for skim milk. This claim is not well taken, for instead of providing a market for skim milk it destroys a market for butter fat. In 1920, 7,000,000 pounds of coconut oil were used in the manufacture of filled milk, and as a result a market for 7,000,000 pounds of butter fat was destroyed and 8,000,000 pounds more butter was placed upon the market. In other words, the coconut cow of the South Sea Islands replaced 40,000 cows owned by American dairymen; and the price paid for skim milk to make this compound was not equal to what the live stock of the farm would return for it.

Moreover, this compound is sold as milk, and when sold as such is a counterfeit. A fraud is perpetrated upon the consumer. It does not contain the nourishing properties of milk, which is the fundamental food of this Nation, and no producer has a right to so imitate it that the consumer is likely to be deceived. The dairy industry must be protected from this counterfeit and the consumer from deception: Therefore be it

*Resolved*, That legislation be enacted to prevent the manufacture and sale of compound of milk, skim milk, and vegetable oils for human consumption."

Likewise, at Buffalo, on July 8, we passed a resolution as follows:

RESOLUTION ADOPTED BY THE CONFERENCE OF DAIRY INTERESTS, HELD AT BUFFALO, N. Y., JULY 8, 1921.

Whereas there is an alarming increase in the manufacture, sale, and consumption of bogus milk products, consisting of compounds of skimmed milk and coconut oil or other vegetable fats; and

Whereas such products, regardless of the labels on the containers, are being sold in large quantities as condensed milk and other milk products, thereby at once becoming a fraud on the consuming public as well as a menace to the public health and to the dairy interests: Therefore be it

*Resolved*, That we favor the abolition of such traffic by Congress by direct prohibitory or restraining laws.

Gray Silver, representative of the American Farm Bureau Federation, testified before the same committee as follows:

The dairymen of this country believe that very few of the people who consume the 86,000,000 pounds of filled or imitation evaporated milk realized that they were using skimmed milk and coconut oil instead of the condensed whole milk containing the fat vitamins so essential to the growth and development of humans and especially babies.

Aside from the various refinements or slight modifications of the process, filled condensed milk is manufactured by skimming the cream from the whole milk and then substituting coconut oil for it. In taking away the butter fat the life-sustaining fat soluble vitamins are removed and in its place is substituted oil which does not contain the vital growth-producing substances. Blindness and death ultimately

follow the use of food lacking in vitamins. There are other sources of vitamins, according to the scientists, but mothers are not in the habit of feeding large quantities of kidneys, liver fats, carrots, and yolk of egg in order to obtain the fat soluble vitamins which is well and handily supplied in milk.

The production of evaporated milk from which part or all of the fat has been skimmed and vegetable oils substituted has nearly trebled in the last four years in this country. It is a business which thrives upon the dairy business, has its very foundation in the dairy industry, and yet one which, if continued, will work untold damage to it, for the modified or imitation evaporated milk is being sold as the true product. In 1917 the output of imitation or filled evaporated milk was about 40,000,000 pounds. This increased steadily until in 1920 about 86,500,000 pounds were produced. In the manufacturing of this amount of condensed filled milk there was removed about 7,605,000 pounds of butter fat and virtually the same number of pounds of vegetable oils was substituted, since about 9 pounds of oil is used to each 100 pounds of evaporated product. This virtually destroys the market for about 7,500,000 pounds of butter fats. But its effect is much further reaching than that. It is a matter of vital concern to every dairyman in America.

When the manufacturer labels condensed filled milk in such a way as to show it is condensed skimmed milk and coconut oil instead of the whole milk containing butter fat, they neglect to advise the public of one big factor, namely, that the very life of the milk was taken from it when the butter fat was extracted. Labels on cans of condensed filled-milk products advise consumers to use it in the making of custards, cake, and general cooking and for use in coffee and cocoa. They do not state, however, that the milk is lifeless and does not carry the necessary ingredients for health of humans, particularly babies.

So important has become the issue that already four States have not waited upon the Federal Government to pass a law protecting the people, but have passed State laws prohibiting the manufacture of filled milk. These laws are found in Wisconsin, Maryland, Ohio, South Carolina, and Florida, and bills have been introduced in New Jersey and Pennsylvania.

Coconut milk versus cow's milk. The only reason for the manufacturing of this product, filled condensed milk, is that it can be sold at a cheaper price. It is generally understood that when two products are believed by the public to be the same—and that applies generally to filled condensed milks and the regular condensed product—that the cheaper one will force the higher-priced product off the market. It is a significant fact that at the time when evaporated and condensed milk declined 50 per cent in 1920 from the high record of 1919 imitation condensed milk with the coconut oil and skimmed milk increased 24 per cent. The consumer did not materially benefit by this substitute, as the price asked was only slightly lower than that for the genuine health and growth producing condensed milk.

The dairy industry, of course, does not wish to see itself destroyed by a by-product.

Until all the States in the Union have passed laws prohibiting this fraud upon the public the plain duty of Congress is to immediately enact this bill prohibiting the shipment of "filled milk" in interstate commerce. [Applause.]

Mr. JACOWAY. Mr. Chairman, I yield 10 minutes to the gentleman from New York [Mr. TEN EYCK].

The CHAIRMAN. The gentleman from New York is recognized for 10 minutes.

Mr. TEN EYCK. Mr. Chairman, I ask unanimous consent to revise and extend my remarks.

The CHAIRMAN. The gentleman from New York asks unanimous consent to revise and extend his remarks. Is there objection?

There was no objection.

Mr. KNUTSON. Mr. Chairman, I make the same request.

The CHAIRMAN. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. TEN EYCK. Mr. Chairman, I wish to request unanimous consent to revise and extend my remarks in the RECORD after I have concluded. I desire to introduce into the records my recommendations and correspondence with the chairman of the Joint Commission of Agricultural Inquiry when the work of the commission started, because I want the farmers to know that I am acquainted and familiar with the needs of agriculture and its conditions at the present time, as well as its position to other interrelated industries. I wish them to know that I have done my bit in Congress to correct the evils that exist with agriculture. I do not want them to feel that I am not in sympathy with their problems and interests, when I object to recommendation No. 5 in this report, which recommends that the Government enter into immediate negotiations with the Dominion of Canada for the conclusion of a treaty for the improvement of the St. Lawrence River.

I assumed this position with an intimate knowledge of the requirements of agriculture, both present and future, and feel that if this recommendation is carried through to an ultimate conclusion, it will be detrimental to the farmers' interests in this country, and I am opposing it with a sincere desire to do that which I believe to be for the best interest of the farmers of the country.

I wish to ask the gentlemen of this House who are members of the Joint Commission of Agricultural Inquiry, who voted to place this recommendation in the report, to explain to the House why they inserted this recommendation in the report, what information they have at hand, what knowledge they have

been able to obtain which caused them to vote in favor of the recommendation, or what the incentive was which caused them to support a recommendation for a project which will take 10 or 15 years to construct, when immediate transportation relief is of paramount importance.

Were there any hearings held on this subject?

If so, what was the favorable information gathered?

Does the committee know that there are many farmers opposed to this project?

When was there a precedent established heretofore to develop foreign territory in time of peace?

What is the real reason why it is recommended?

Recommendation No. 5 was placed in the report by a majority of one by the Joint Commission of Agricultural Inquiry. It was embodied in the commission's report without holding hearings, without filing data, without a request of the commission to the chairman to secure information as regards this important subject, and without any information in the text to justify the recommendation, except a reference to the report of the International Joint Commission.

If this recommendation is carried through favorably it will cost the Government of the United States many hundreds of millions of dollars to construct a waterway within the territory of the Dominion of Canada outside of the territory of the United States.

If this recommendation is acted upon favorably it will mean that the Senate will ratify a treaty which will morally, if not legally, obligate the United States Government to an expenditure of millions of dollars, and to transfer an all-American waterway transportation system from the United States to Canada, and place it in competition with the Mississippi River, the Ohio River, and the barge canal, which are the present American outlets to the Great Lakes, without the House of Representatives having investigated or considered it.

If this recommendation is acted upon favorably the treaty will be agreed upon and entered into, binding the House of Representatives to an enormous appropriation, if not legally, morally to build a waterway within the territory of a foreign and competitive nation.

This recommendation was made by the Joint Commission of Agricultural Inquiry, which was appointed to consider agricultural problems and interrelated industries under Senate Concurrent Resolution No. 4, Sixty-seventh Congress.

This recommendation was adopted by the Joint Commission of Agricultural Inquiry with every member of the committee, except three, expressing themselves in the conference in opposition to embodying the recommendation in the report, stating that the recommendation is unnecessary and out of place in the report.

The following additional recommendation was offered by Mr. TEN EYCK when recommendation No. 5 was retained in the report. This was lost by a vote of 9 to 1.

The St. Lawrence River is a natural boundary line; the interests of the Government of the Dominion of Canada and of the Government of the United States are mutual in its utilization. It is suggested that the Government of the United States take such steps as are consistent and in accordance with international procedure with the Dominion of Canada and Great Britain to purchase all that territory in the Dominion of Canada lying east and south of the line comprising the center of the channel of the St. Lawrence River from its mouth to its source, including the full riparian rights and rights to develop and utilize half of the water power from the St. Lawrence River, at the same time that it negotiates a treaty in accordance with the commission's recommendation No. 5, and it is suggested that the Secretary of State use his best endeavors to have the purchase price agreed upon credited on the British debt to the United States.

The Ten Eyck recommendation was offered with the purpose to invite the President of the United States, when negotiating a treaty with Canada, to negotiate with Canada and Great Britain as their interest may appear at the same time the purchase of any land that lies adjacent to and borders on the St. Lawrence River within the Dominion of Canada, which is obligatory for the United States Government to own so that she will receive all the benefits to which she is entitled, either legally, morally, or financially, as well as from a business point of view, before we obligate ourselves to pay any part of the cost of the project.

This amendment was recommended so that if a treaty is successfully negotiated with the Canadian Government the United States Government will own and control half of the land adjacent to the canal constructed in the St. Lawrence River, as well as half of the land which will be improved from the development of the water power in the St. Lawrence River.

Every country should have absolute jurisdiction over its transportation systems, and all transportation systems in any country should terminate in terminals located within the boundary and jurisdiction of that country.

The land adjacent to a water-power development has as much value as the water development itself, because it is the reservoir, the storage battery, and the transformer of the electrical energy developed.

It is where the people congregate to utilize the power development. It is where villages, cities, and large manufacturing industrial units are built up. It is where great manufacturing plants are erected to utilize and transform the electrical energy developed by the water power and transformed into commercial articles of commerce. It is where the total annual output is accumulated each year and stored in the form of large business and commercial centers, private homes, manufacturing plants, and industries of all kinds. It is where the annual total power output is stored and accumulated for all time in the future, like a storage battery, to be utilized at will.

Therefore, it is essential that we own half of the land, so that we may be a 50 per cent beneficiary for all time in the future, before we pay 50 per cent of the cost of its development.

If the Canadian Government intends to cooperate with the United States for the development of this costly enterprise, she will see the strength of this argument and show her sincerity of purpose by placing us in a position that we will not only be a 50 per cent cooperator in the construction of the enterprise but she will help us to become a 50 per cent beneficiary for all time in its utilization.

The reconstruction of the agricultural and commercial industries of the United States is of immediate necessity and paramount importance; cheap transportation is the greatest factor in accomplishing the full economic development of the agricultural industry and the proper development of the farm life of the country.

The farmers, having suffered mostly from the after-war deflation, are mostly in need of immediate relief by a scientific development of all of our internal problems, and especially the development of our internal and domestic waterways, which will best meet their necessity the quickest and help most to solve not only the transportation and marketing problems but many of the other disadvantages under which he is laboring to-day.

The complete resuscitation of the agricultural life of the country will call for the expenditure of a large sum of money out of the Treasury of the United States, as its prosperity is necessary to bring about the immediate and necessary relief to the financial, industrial, and commercial life of the entire country.

It is imperative that we make all internal improvements within the territory of the United States before any expenditures are considered without the territory of the United States, and that all money expended out of the Treasury of the United States for reconstruction purposes be expended where it can be of the greatest service to the greatest number in the shortest time, and that all of our rivers and harbors and small navigable streams be improved before any large project is considered, so as to give to the people throughout the entire country direct and immediate relief.

The United States should improve its own harbors first, so as to relieve present transportation conditions by improving the harbors of Portsmouth, Boston, New London, New Haven, Bridgeport, New York, Philadelphia, Trenton, Wilmington (Del.), Baltimore, Wilmington (N. C.), Charleston, Savannah, Jacksonville, Mobile, New Orleans, Galveston, Panama, Santiago, Los Angeles, San Francisco, Portland, Seattle, and all the other harbors within the Great Lakes, and immediately improve the inland waterways connecting the various harbors with the interior, to give to agriculture waterway transportation from the interior to the sea, such as the Connecticut River, the Hudson River, the Delaware River, the Susquehanna River, the Potomac River, the Ohio River, the Mississippi River, the Missouri River, the Warrior River, the Tombigbee River, the Arkansas River, the Red River, the Tennessee River, and such other rivers and tributaries that need improvement, so as to give to the farmer proper and adequate inland waterway transportation rates; and immediately improve all the canals within the territory of the United States with the same object in view, and immediately take steps to continue and complete that great and important intercoastal canal project connecting Boston with Galveston through Florida.

The cost of the development of the water power in the St. Lawrence River under present conditions, when the country is in need of the money for the stabilization of its own commercial interests, will not only deprive them of the money but if utilized to its full capacity it will further upset the economic conditions of business, if the claims of the proponents are true that it will create the electrification of all the railroads within a thou-



sand miles or more of the development, and which will cause the scrapping of all the steam engines, the steam plants, the cutting down of the production of the coal mines of the country; changing the source of power of the entire interrelated industries.

The total expenditure to change from steam to electric equipment and the scrapping of all steam-power plants will cost the people of the United States more than what it will cost to harness the St. Lawrence River. These changes must be brought about gradually, with the idea of doing the least harm possible to the public.

We will admit the tragedy of freight congestion that wartime conditions created in the Western States, which instilled in the minds of the people in that locality an imaginary and visionary idea that the canalization of the St. Lawrence River is the "quack-medicine cure-all" which will relieve all of their ailments.

I can appreciate the reason why many people in the West were in favor of the canalization of the St. Lawrence River, that condition of mind was brought about by the freight congestion which existed during the war, and the railway rates which were caused by the war.

During the war there was a shortage of more than 50,000 freight cars. To-day, however, there is a surplus of over 300,000. During the war the New York State Barge Canal was not in service, it was not entirely completed, the Federal Government had taken over its control, along with the control of the railroads of the country. Since the war, in the spring of 1921, the barge canal was turned back to the jurisdiction of the State of New York, and has been thrown open to the use of the public, and private capital has placed upon it large barges of from 2,000 to 3,000 tons capacity, and in the year of 1921, the first year of its operation, it carried over 1,000,000 tons of freight between Buffalo and New York City, one cargo consisting of 80,000 bushels of oats was carried from Buffalo to New York City without being transferred or unloaded en route. When it reached the harbor of New York the entire cargo was transferred to a trans-Atlantic steamer and shipped to Europe.

Hugh L. Cooper & Co., a firm of engineers of national and international repute, made a study and survey on the ground of this important project for some large financial American interests, and made a report to them, which has since been made public, in which they state that the canalization of the St. Lawrence River and the development of all its water power, including the interest on the investment during its construction, damage to the adjacent property owners, and such other liabilities that may arise, will cost approximately \$1,250,000,000, exclusive of the deepening of the channels and harbors, the rebuilding of the docks, and the installation of the proper machinery within the Great Lakes to accommodate ocean liners, all of which will necessitate an additional expenditure of approximately \$100,000,000.

While the international joint commissioners report an approximate cost of much less than the above, they state, however, that their figures were made without any soundings or borings and without developing all the water power in the St. Lawrence River, and they recommend that another commission of engineers be appointed to go into this matter more thoroughly and in detail before the Governments of the United States and Canada commit themselves to their recommendation.

If Mr. Cooper is right in his estimate, which I have all reason to believe is correct, the annual cost of operation, maintenance, including the interest on the money invested at 5 per cent, will amount to approximately \$75,000,000.

The total tonnage of all commodities carried in the United States via rail, waterway, and highway is more than a billion tons. The total tonnage of the five principal grains—wheat, corn, rye, barley, and oats—raised in 1920 in the United States amounted to 144,826,376 short tons. The total tonnage of all commodities, both raw and manufactured, carried on the Great Lakes in 1920 was 197,502,000 tons. The total tonnage of all commodities exported from the United States which was carried on the Great Lakes amounted to 9,065,497 short tons. The total tonnage of grain and vegetable products of the United States carried in 1920 on the Great Lakes amounted to 5,499,026 short tons. The total tonnage of grain and grain products of the United States which was shipped off of the Great Lakes for foreign export amounted to 2,999,654 short tons in 1920. The total tonnage of all commodities exported from all ports in the United States in 1920 amounted to 63,803,433 tons, of which only 9,264,458 short tons consisted of the five principal grains. It is apparent that only an infinitesimal amount of grain in comparison to the entire business of the country is exported from shipments on the Great Lakes.

The expenditure of more than half a billion dollars by the United States is not warranted for the purpose of carrying only 2,999,654 short tons of grain for export.

Assuming that Mr. Hugh L. Cooper's estimate is correct—that it will cost \$1,250,000,000 to canalize the St. Lawrence River and develop the entire water power in the river, plus \$100,000,000 to deepen the channels, improve the harbors and docks and loading facilities in the Great Lakes, making a total of \$1,350,000,000 for the entire improvement—it would be much better for the United States to apply the interest on the money invested on the freight rates of all the food products of the United States than to assume the gamble of this project being successful and meeting all the requirements after its completion.

Five per cent on the total investment would amount to \$67,500,000. The United States' proportionate share will be one-half of the above, amounting to \$33,750,000. If applied to 323,851,345 bushels, the total number of bushels of the five principal grains exported from the United States, it would permit a subsidy of more than 10 cents per bushel on the entire amount of grain shipped from all the ports throughout the entire United States, and a subsidy of more than \$11 per ton on all the grain exported from the United States shipped on the Great Lakes, or a subsidy of twice the present water freight rate from Duluth to Liverpool on wheat.

Mr. SMITH of Michigan. Will the gentleman yield for a question?

Mr. TEN EYCK. Yes.

Mr. SMITH of Michigan. Does not the gentleman think there will be more than 3,000,000 tons shipped on the Great Lakes if they have a ship canal giving them an all-waterway outlet to the ocean?

Mr. TEN EYCK. I will answer the gentleman. Grain is shipped to-day more than 200 miles by rail from Kansas City to Chicago to ship via the Great Lakes to take advantage of the barge canal. I recommend that we improve the Mississippi River, the Ohio River, and the Missouri River [applause] to give the people in Kansas City waterway transportation all the way from Kansas City to Liverpool without having to use the railroads for 200 miles. [Applause.]

Mr. TINCHER. Will the gentleman yield?

Mr. TEN EYCK. I will.

Mr. TINCHER. As I understand, the gentleman is opposed to the St. Lawrence River project because it is too expensive and not economical?

Mr. TEN EYCK. I am not opposed to the St. Lawrence River project because it is too expensive. I am opposed to it because it is not a practical scheme, because we are calling upon the taxpayers of the United States and upon the consumers of the United States to pay for a waterway for a small section of the country to transport a small percentage of the total grain produced in the United States, which is proven by the statistics of the Department of Commerce, the War Department, and the Department of Agriculture.

Mr. TINCHER. Is the gentleman sure that his opinion on this subject is not in any way influenced by the barge canal?

Mr. TEN EYCK. I can say this to the gentleman, that I am not opposed to it because of the barge canal. I voted for a larger Navy and I voted for bigger waterways, and I want to know whether the gentleman from Kansas voted for those things? [Applause.]

Mr. TINCHER. My argument was not that you should vote for all the appropriations. That would be more than I do.

Mr. TEN EYCK. New York State usually votes for appropriations for the other parts of the country. We are proud of that, and we are proud when they come along with us to help us. [Applause.]

Mr. TINCHER. This happens to be a project, though, that would conflict a little with your New York Barge Canal, but which might benefit the whole remainder of the United States.

Mr. TEN EYCK. I wish the gentleman would not make a speech in my time.

From a business standpoint it would be better for us as a Nation to use the interest on the money which we will have to invest to relieve the freight rates on all of the farmer's food products, because if we do this we will at the same time lower the cost to the consumers of the United States as well as the consumers of Europe.

Our own citizens are certainly entitled to as much relief as it is possible to give them, because the consumer and producer alike are equally responsible for the taxes levied for any Federal improvement. There is no valid reason why the United States should construct this gigantic project, lying within the territory of the Dominion of Canada from the Great Lakes to the Gulf of St. Lawrence. Canada owns more than 90 per cent of the land on both sides of the St. Lawrence

River. Therefore they will be the principal beneficiary of not only the canalization but the water-power development as well for all time in the future.

One of the arguments of the proponents of this scheme is that a harbor on the St. Lawrence River is several hundred miles nearer Liverpool than the harbor of New York. Therefore, it is essential that the United States own the land bordering on the southeast bank of the St. Lawrence River throughout its entire length so that before the scheme has been made a reality we will own the necessary land to establish harbors within our own territory equally near to Liverpool.

We might just as well arrange to have the Boston & Albany, the Boston & Maine, the New York Central, the Pennsylvania, and the New York, New Haven & Hartford Railroads transfer their terminals to Canadian ports in the Dominion of Canada, so that they will be nearer to Liverpool, as to father a movement to transfer our water transportation system to the Dominion of Canada, so that its export harbors will be closer to England.

Accepting Buffalo as the eastern export terminal in the United States on the Great Lakes for the purpose of comparison. Buffalo is located approximately 400 miles from Montreal and approximately 500 miles from the city of New York. Buffalo is 488 miles nearer Liverpool via the St. Lawrence route than via the barge canal through New York City; for a shipper to take advantage of this shorter route, it is imperative that an ocean liner will have to travel after it leaves the Straits of Belle Isle, similarly located to the harbor of New York on the Atlantic Ocean, 1,395 miles, including the tortuous, narrow, and dangerous channel with many obstructions and varying currents in the St. Lawrence River to get to Buffalo, nearly half of the total distance of 3,597 miles between Buffalo and Liverpool.

Seventy-five per cent of the population and the consuming public of the country is located nearer to New York Harbor than the harbor of the city of Montreal. In addition to this the harbor of Montreal is only a six-months port. It is as essential to have proper feeders and distributors of cargoes leading into a harbor as the harbor itself, and the network of waterways, highways, and railways that enter into the harbor of New York is unexcelled throughout the world, which assures return cargoes to all trans-Atlantic liners which dock within this harbor; not for six months, but throughout the entire year.

I wish to submit to you 68 reasons in opposition to the canalization of the St. Lawrence River and the development of the water power in conjunction with Canada which I introduced in a minority report in opposition to the recommendation that the Government of the United States negotiate a treaty to canalize the St. Lawrence River, which in itself should be obnoxious to the House of Representatives, as it will take away from them the right to study this important project before they have been required—if not legally, morally—to appropriate hundreds of millions of dollars to carry out a treaty ratified by the Senate of the United States without having had an opportunity to study its feasibility, practicability, or usefulness:

1. The ocean liner can not compete with the Great Lakes boats of equal tonnage, due to the fact that the ocean liner will cost more to build than the Great Lakes boats of equal tonnage.

2. A 10,000-ton vessel on the Atlantic Ocean requires 50 men to man it, while a 10,000-ton boat on the Great Lakes is manned by 30 men.

3. The insurance on the ocean-going vessel, on account of the original cost and extra hazard of the ocean-going boat traveling the St. Lawrence River and Great Lakes, will be materially higher.

4. The rate on coal from Buffalo to Duluth, a distance of 1,000 miles, is 50 cents per ton on a lake carrier. The rate on coal from Norfolk to Boston, a distance of 500 miles, is \$1.10 to \$1.25 per ton on an ocean liner.

5. An ocean-going steamer which is designed to navigate the seas in all weather can not operate on the Great Lakes with the same safety as a Great Lakes boat, due to its construction, design, and depth of draft; nor can it carry a full cargo on inland waterways for the same and other reasons. Likewise, a Great Lakes boat of equal tonnage can not travel the Atlantic Ocean with safety in all weather on account of its construction, design, and draft. We admit that both of these designs of vessels can navigate in either place under the most favorable conditions if the channels are deep enough to accommodate the draft of the vessel, but not with safety in stormy or foggy weather, due to the difference of the condition under which they sail and their design.

6. The Board of Rivers and Harbors state that the total tonnage of the Great Lakes during the year 1920 was 197,502,000 short tons. The amount of the tonnage exported from the Great Lakes was 9,065,497 short tons—approximately 4½ per cent.

The deduction from which makes it apparent that most of the tonnage on the Great Lakes is used domestically for manufacturing purposes and for domestic consumption.

From statistics gathered by the Department of Commerce the total production of grain in the United States, in bushels, for the year 1920 is as follows: Corn, 3,232,367,000; wheat, 787,128,000; barley, 222,024,000; rye, 69,318,000; oats, 1,526,055,000; grand total, 5,816,892,000 bushels; equal in weight to 144,826,376 short tons. There were exported from all ports in the United States 323,851,345 bushels, as per table below, equal in weight to 9,264,458 short tons. The total short tons of all grains exported from all the ports of the United States, including the breadstuffs, wheat flour, corn meal, rye flour, barley flour, oatmeal, and 392,612,555 pounds of rice, total 24,099,113 short tons, exported during 1920.

Wheat, rye, barley, corn, and oats exported from all parts of the United States, by customs districts.

|                              | Wheat.             | Rye.               | Barley.          | Corn.            | Oats.          |
|------------------------------|--------------------|--------------------|------------------|------------------|----------------|
| Maine and New Hampshire..... | Bushels. 1,583,527 | Bushels. 1,571,757 | Bushels. 124,042 | Bushels. 947,258 | Bushels. 1,276 |
| Maryland.....                | 27,798,338         | 19,079,665         | 735,758          | 1,623,402        | 1,884,718      |
| Massachusetts.....           | 4,174,554          | 333,759            | 45,112           | 58,854           | 85,819         |
| New York.....                | 36,148,343         | 23,488,700         | 4,947,659        | 1,653,372        | 7,884,700      |
| Philadelphia.....            | 17,684,343         | 2,780,992          | 232,538          | 700,665          | 126,166        |
| Virginia.....                | 2,153,278          | 311,487            | 150,414          | 109,466          | 89,885         |
| Galveston.....               | 46,561,406         | 496,713            | 625,055          | 82,229           | 1,500          |
| New Orleans.....             | 48,695,834         | 177,857            | 5,949,073        | 1,142,998        | 907,968        |
| Sabine.....                  | 1,772,010          | .....              | 2,658            | .....            | .....          |
| Oregon.....                  | 12,289,790         | .....              | .....            | .....            | 21,221         |
| Washington.....              | 3,519,766          | .....              | .....            | 223,327          | 30,716         |
| Buffalo.....                 | 488,058            | 61,000             | .....            | 62,817           | 1,179          |
| Chicago.....                 | 7,278,767          | 525,142            | .....            | 648,749          | .....          |
| Duluth and Superior.....     | 7,405,888          | 7,684,589          | .....            | 357,128          | 234            |
| San Francisco.....           | 5,715              | .....              | 4,611,083        | 2,169            | 48,833         |
| Michigan.....                | 260,642            | 345,096            | 106,368          | 7,719,044        | 1,342,423      |
| Other.....                   | 467,045            | 113,703            | 324,467          | 2,429,951        | 452,136        |
| Total.....                   | 218,287,334        | 57,070,490         | 17,854,227       | 17,761,420       | 12,577,874     |

Grand total, 323,851,345 bushels.

7. The Board of Engineers for Rivers and Harbors states that the total of all vegetable food products of the United States carried on the Great Lakes in 1920 amounted to 5,499,026 short tons, and Canada's total tonnage for the same products amounted to 2,284,582 short tons.

The Board of Army Engineers for Rivers and Harbors states that the total tonnage of all grains of the United States carried on the Great Lakes in 1920 totaled 4,794,122 short tons, of which 2,999,654 short tons were exported, which is the total amount of grain that would pass through the St. Lawrence Canal, provided all the export grain on the Great Lakes was transferred from American routing to a routing via St. Lawrence through Montreal in Canada. The barge canal, wholly within the territory of the United States, can accommodate seven times this tonnage annually.

Therefore the amount of service that the St. Lawrence River will render to the country on shipment of farm products, even though it meets all the expectations of its advocates, is infinitesimal when compared with our gross tonnage or even to the total export tonnage of farm products.

According to calculations of the Department of Agriculture 43 per cent of the value of the total exports in 1920 consisted of farm products. If this percentage is applied to the total tonnage as given in the preceding paragraph, the tonnage of all farm products would be approximately 27,435,000 short tons.

8. The Board of Rivers and Harbors state that the total tonnage of all commodities exported from all ports in the United States in 1920 was approximately 63,803,433 short tons. Total tonnage of all farm products exported approximates 27,435,000 short tons.

9. If the people in the great Middle West located at shipping points similar to the shippers in the Kansas City region wish water transportation to the sea, I suggest that we improve the Missouri River, the Mississippi River, the Ohio River, and furnish the necessary boats to give them an all-American waterway route to the sea, the same as Kansas City enjoys to-day via the Mississippi River, and not require them, as is their desire at the present time, to make more than a 200-mile railway haul from Kansas City to the Great Lakes so that they may utilize an artificial waterway route through a foreign territory that will, I predict, eventually cost the United States more than one-half a billion dollars to build, which when completed will entail a big annual expenditure to operate and maintain.

10. The people in the Great Lakes territory cry for a cheaper water route for 5 per cent of their business and forget the 95 per cent consumed by the people of their own country. They are like the merchant that manufactures a general utility article

in a city of 1,000,000 inhabitants and sends all his salesmen to the rural and sparsely populated districts hundreds of miles distant to sell a small percentage of his output and neglects his local million-peopled market.

11. The St. Lawrence Ship Canal will not serve or cheapen the freight rates on food products to the consuming public of the United States. If the Federal Government decides to expend this vast amount of money in waterways we should expend it in such a way that it will give at least our own people equal benefits with the people of all foreign countries.

12. It is an absolute necessity that a country control its transportation system to insure commercial success.

13. All the transportation systems of any country should terminate at terminals and harbors wholly within its territory, both in peace times and in war times.

14. More than 75 per cent of the people of the world are closer to the ports of Boston, New York, Philadelphia, Baltimore, and all other ports within the territory of the United States, than to the port of Montreal.

15. More than 75 per cent of the population of the world has a shorter waterway transportation route connection with the Great Lakes through the port of New York via the barge canal than through the port of Montreal via the St. Lawrence River.

16. The argument that the port of New York, due to its congestion, is a sufficient reason for the construction of a deep waterway canal in the St. Lawrence River to make Montreal the principal export city of North America is obsolete. This has been answered in a practical way by the States of New York and New Jersey in their approved plan in making the port a national harbor and increasing its facilities and capacity tenfold by their cooperation in the expenditure of many millions of dollars.

The population within the port harbor district is more than the entire population of Canada. The railroads and other transportation facilities entering this harbor outclass those in importance entering any other terminal in the world. These feeders, outside of the natural advantages of the harbor, are absolutely necessary for an economical and successful export center. They assure to ocean-going liners a full cargo each way. New York port being open throughout the entire year, assures shippers a continuous waterway service throughout the entire year.

17. On account of the shortness of the navigable season in Canada, the shippers can only use the canal approximately six months in the year, which will make it necessary that the ocean liners will have to look elsewhere for business for the other six months of the year.

18. The St. Lawrence having only a normal six months' season, it will increase the cost of navigating ocean liners between the Gulf of St. Lawrence and the Great Lakes to such an extent that it will make the use of trans-Atlantic vessels prohibitive.

19. The building of the St. Lawrence Ship Canal will give Great Britain access to the Great Lakes with her warships, as well as with vessels of commerce, through her territory, while all of our vessels will first have to pass through English or Canadian territory.

20. In case of war between Great Britain and any other country which is on friendly terms with the United States, the United States will be prohibited from sending any of her food products to them through this canal.

21. The cost of shipping grain to New York City from Duluth via the Great Lakes, barge canal, and Hudson River is 7½ cents, including the elevator charges and five days' storage at Buffalo, made up as follows: 1½ cents per bushel from Duluth to Buffalo; 6 cents from Buffalo to New York, including elevator charges and five days' storage at Buffalo and 1 cent transfer charge at New York City, including five additional days' storage in New York City.

See telegrams quoting rates:

NEW YORK, N. Y., January 25, 1922.

HON. PETER G. TEN EYCK,

House of Representatives, Washington, D. C.:

Canal rate wheat, Buffalo, New York, slightly fluctuating season 1921. Minimum, including elevator charges, at Buffalo, 6 cents per bushel; maximum, 8 cents per bushel; additional elevation charge here boat to steamship, 1 cent per bushel.

E. S. WALSH.

BUFFALO, N. Y., January 25, 1922.

Congressman PETER G. TEN EYCK,

House of Representatives, Washington, D. C.:

Answering telegram, cost of transferring grain from lake boats to cars or canal boats, 1 cent per bushel, including five days' storage in elevator.

ADAM E. CORNELIUS.

INTERNATIONAL ELEVATING Co.,  
New York, December 20, 1921.

The following charges will be in effect January 1, 1922:

Charges to be paid by the grain: Receiving, weighing, and discharging, seven-eighths cent per bushel; transportation of elevator, one-eighth cent per bushel; boat trimming, \$1.50 per 1,000 bushels; mixing, one-fourth cent per bushel; blowing and screening or dusting, one-fourth cent per bushel; on all hot and salvage grain additional trimming charge, \$3.50 per 1,000 bushels; on any parcel less than a towing lot of 4,000 bushels or any parcel or cargo on which the owners order bagging in excess of amount of bagging required by underwriters' rules, transportation of elevator shall be one-half cent per bushel.

Charges for delivery to be paid by the steamer: Trimming, \$3 per 1,000 bushels; trimming decks 30 feet or over, \$4.50 per 1,000 bushels; waiting time for grain trimmers (longshoremen), \$1 per hour per man.

21a. From reliable authority grain can be carried from Atlantic ports in lots of ten to twenty thousand tons as a part cargo of ocean liners cheaper than a tramp or a liner will carry a full cargo. The cost of shipping grain from New York to Liverpool is approximately 9.6 cents per bushel. See following letters:

NEW YORK, February 15, 1922.

HON. PETER G. TEN EYCK,

House of Representatives, Washington, D. C.

SIR: We have your favor of the 9th instant, relative to quotation on a full cargo or parcel lot of grain from New York to Liverpool, England.

Please be advised that the present quotation on parcel lots—that is, on about 10,000 bushels of either corn, wheat, or rye—is 3 shillings 9 pence per quarter, which is 480 pounds, while the full cargo rate is 4 shillings per quarter.

We are in a position to book for February or March shipment at the above rates on parcel lots, and charter a full cargo of corn, wheat, or rye for March shipment at 4 shillings. We are not in a position to quote you on oats.

For your information, the rate depends at times on the supply and demand, and does not very much depend on the season of the year. For instance, in January wheat, corn, and rye was quoted at 3 shillings per quarter for shipment in February.

We trust this information will be of service to you, and remain,

Yours truly,

C. B. RICHARD & Co.,

F. J. NADO, Forwarding Department.

INTERNATIONAL MERCANTILE MARINE Co.,  
New York, February 10, 1922.

MR. PETER G. TEN EYCK,

House of Representatives, Washington, D. C.

DEAR SIR: We have your letter of the 8th instant.

There are no tariff rates to United Kingdom ports for bulk grain. This is an open market and supply and demand govern. The regular liners nearly all require a quantity of grain for stability.

At the present time the amount of space available in these steamers exceeds the supply of grain. The result is that the current rate is less than that at which tramp steamers can be profitably operated with full cargoes of grain. The present rate at which wheat, corn, and rye are being booked from New York to Liverpool is 3 shillings 6 pence per quarter, which at the current rate of exchange is equal to about 15½ cents per 100 pounds.

We believe there are one or two tramp steamers offering for full cargoes on which the owners intimated they would trade at 4 shillings 6 pence per quarter, which is equal to approximately 20½ cents per 100 pounds.

For the freight department.

F. A. RYAN, Manager.

SUBMARINE BOAT CORPORATION,  
Newark, N. J., February 15, 1922.

HON. PETER G. TEN EYCK,

Washington, D. C.

MY DEAR CONGRESSMAN: In response to your letter under date of February 11, I desire to inform you that we intend to operate on the barge canal, during the 1922 season, 30 barges, aggregating 12,240 dead-weight carrying capacity, with three new tugs especially adapted for service on the canal. This constitutes an addition of 60 per cent to the tonnage capacity of the fleet we had in operation last season, and, of course, the addition of the modern tugs mentioned.

With respect to the other information, I regret that I do not have it available, but I shall try to get it for you as soon as possible.

Cordially yours,

HENRY MOSROWIK.

LUNHAM & MOORE,  
New York, February 10, 1922.

HON. PETER G. TEN EYCK,

Washington, D. C.

DEAR SIR: In reply to your favor of yesterday's date, beg to state the present rate on heavy grain from New York to Liverpool is 3 shillings 6 pence per 480 pounds (a quarter of 8 bushels), at which we closed 32,000 bushels for one of our customers on a White Star steamer to March 4 and March 11.

Full cargo rates are at present higher than berth rates to the United Kingdom, the present price asked from Atlantic ports being 4 shillings 6 pence per quarter, although believe could obtain boats on bids at 4 shillings 3 pence. Cargo rates to United Kingdom have been ruling higher than berth for the past few months, owners seemingly preferring business to the Continent (evidently because expenses discharging much cheaper). Cargo rates to Continent to-day for March, 16 cents per 100 pounds, while berth rates are 17 to 18 cents per 100 pounds, owing scarcity of berth room for near-by shipment.

So you will see how the situation differs. United Kingdom berth far below cargoes and Continent berth higher than cargoes.

Seasons have no bearing on rates, except perhaps on eve of new crop movement rates firm up owing to demand.

Rates are controlled entirely on basis of supply and demand, world's markets having distinct bearing. When they can buy cheaper in other parts of the world we suffer accordingly.

The ocean freight market is a large subject, difficult to convey in a letter. If you are ever down this way and want to talk about it, will be glad to give you several earfuls.

Very respectfully yours,

WALTER MOORE.

P. S.—Just noticed your letter referred to oats. There has been no oats business doing. The usual difference on cargoes is, if heavy grain rate is 4 shillings per 480 pounds, oats would be 3 shillings per 320 pounds—that is, 1 shilling less, but per 320 pounds instead of 480 pounds.

The berth parcel rate has been 3 shillings per 320 pounds, while heavy rate was 3 shillings 3 pence to 3 shillings 6 pence per 480 pounds, the 3-shilling oats rate being an arbitrary minimum and a higher basis than it should be by comparison.

CUNARD STEAMSHIP CO. (LTD.),  
New York, February 16, 1922.

PETER G. TEN EYCK, Esq.,  
House of Representatives, Washington, D. C.

DEAR SIR: We are in receipt of your communication of February 9 in regard to request concerning particulars on shipments of wheat, corn, or oats from New York to Liverpool.

For your information full cargoes of grain have recently been closed from North Atlantic to Canadian ports to United Kingdom ports on the basis of 4 shillings per quarter, and the liners are accepting 3 shillings 6 pence to 4 shillings at the present time. The average rate works out about 3 shillings 9 pence per quarter.

The liners are able to accept a little lower rate than the full-cargo steamers on account of the fact that they only take parcel lots—say, on an average of 10 loads per steamer, which is the equivalent of 3,140 tons weight. Loads of this nature serve as ballast for the liners and are a great advantage to them in the dispatch of their steamers.

In the case of full-cargo steamers they can hardly operate on less than 4 shillings per quarter, as they have no other cargo on which to obtain revenue, whereas in the case of liners they take general cargo, which is much better paying freight.

Grain can be loaded at the rate of about 200 tons per hour per hatch and can be discharged as quickly.

At this time last year the rates on grain were practically double what they are to-day, and shipments are going forward from the Gulf at rates a little higher than those prevailing on the North Atlantic—say 6 pence to 1 shilling per quarter additional.

The equivalent of 3 shillings 6 pence per quarter is 77 cents per 480 pounds, which is the equivalent of about 16 cents per 100 pounds, and no doubt you will agree that this is a very low rate of freight considering the operating expenses of steamers to-day.

One load of wheat equals 8,000 bushels, 60 pounds per bushel; 480 pounds per quarter equals 214 tons weight of 2,240 pounds.

One load of corn equals 8,571 bushels, 56 pounds per bushel; 480 pounds per quarter equals 214 tons weight of 2,240 pounds.

One load of oats equals 10,000 bushels, 32 pounds per bushel; 320 pounds per quarter equals 143 tons weight of 2,240 pounds.

We hope the foregoing covers the point you have in mind, but, if not, it will be more than our pleasure to give you such additional information as you may request.

Yours faithfully,

CUNARD STEAMSHIP CO. (LTD.);  
JOHN GAMMIE, General Freight Manager.

22. The same rates are charged on wheat from Montreal to Liverpool as from New York to Liverpool. The rate of insurance, however, amounts to about 1½ cents per bushel more from Montreal to Liverpool than from New York to Liverpool, which makes an additional cost of 1½ cents from Montreal. During certain seasons of the year insurance companies refuse to accept any insurance risks on shipments via the St. Lawrence route from Montreal.

23. Paragraphs 20, 21, and 22 show conclusively that it will be impossible to save even 5 cents per bushel on export grain through the St. Lawrence Canal, while we are promised by the shippers on the barge canal that they will lower their present rates at least 3 cents per bushel as soon as they can get enough of the proper type of boats on the canal.

24. The interest alone on \$500,000,000 at 5 per cent equals an amount large enough to give a 5-cent subsidy on 500,000,000 bushels of grain, which is more than the total export from all our Atlantic ports in the United States.

25. If it is a cheaper rate that is needed, let the United States give the shippers a freight allowance equal to the interest on the investment in the St. Lawrence Canal, and thereby run no risk of failure with so large an experiment, which will cost us so much in taxes.

26. Using Buffalo as the all-American outlet from the Great Lakes to the Atlantic Ocean, the following distances to Liverpool are interesting and self-explanatory:

|  | Nautical miles. | Statute miles. |
|--|-----------------|----------------|
| Buffalo to Montreal                              | 339             | 390            |
| Buffalo to New York                              | 440             | 507            |
| Montreal to Liverpool, via Belle Isle            | 2,785           | 3,207          |
| Montreal to Liverpool, via south of Newfoundland | 2,926           | 3,369          |
| New York to Liverpool                            | 3,107           | 3,578          |
| Montreal to Belle Isle                           | 873             | 1,005          |

From the above it is apparent that Montreal is from 200 to 300 miles nearer Liverpool than New York City; but for an ocean liner to take advantage of this shorter route she will have to traverse 873 nautical miles, or 1,005 statute miles, from Belle

Isle to Montreal, through a narrow and dangerous channel throughout the entire length of the St. Lawrence River, while the distance between New York Harbor and Liverpool is an open waterway throughout its entire length. (See 68 regarding statistical hazardous navigation.)

27. In the building of the Panama Canal we did not require financial assistance from other nations, nor did we build it without first obtaining the territory through which it runs; but, on the other hand, it being an international route, to-day certain nations, especially Great Britain, are trying to dictate to us as regards its operation, protection, and tolls. This being true, how much more would Great Britain endeavor to dictate to us if it laid within her territory, as this project will, and being of international concern, we will have again invested American money in an enterprise the policy of which will be controlled to a certain extent by foreign nations.

28. The policy of the public-service commissions and the Interstate Commerce Commission is to oppose the building of a parallel transportation route until the existing route has proven itself inadequate to take care of the traffic for which it was constructed.

29. The New York Barge Canal was not completed until after the war had started. The Federal Government later took it over under its control when it took over the railroads. That and the war stifled all private capital from building boats and warehouses and investing generally in transportation facilities or engaging in waterway transportation business. Not until the spring of 1921 did the Federal Government release its jurisdiction as well as its boats, and turn back the canal to the State of New York, after which a number of private individuals and corporations placed boats upon the canal which carried in 1921, its first year of operation, more than a million tons of freight, which is more than one-third of the tonnage of all the grain exported from the Great Lakes.

30. In 1921 a cargo of 80,000 bushels of oats was carried from Duluth through the Great Lakes and through the barge canal to New York City via the Hudson River without breaking bulk at the city of Buffalo, and loaded it on ocean-going steamers in the harbor of New York, showing conclusively that the barge canal is large enough to handle lake-going steamers, if that class of business is profitable.

31. Mr. Hugh L. Cooper, of the firm of Hugh L. Cooper & Co., engineers of national reputation, after a thorough physical study on the ground and compilation of costs of the construction of a canal and development of the water power in the St. Lawrence River, stated in a speech in Chicago, April, 1922, that the total cost of constructing the canal and developing all the water power in the St. Lawrence, including interest on money invested during the construction, the adjustment of claims, all other liabilities, and other incidental expenditures pertaining to the work, would amount to \$1,250,000,000, exclusive of any work of deepening the channels or improving the harbors and docks in the Great Lakes to accommodate vessels of a deeper draft.

32. In 1912 we had a budget of one billion; to-day, due to the war, we have a budget of four billions; therefore, we should only spend that which will give us greatest immediate relief.

33. This money which we are considering to expend abroad could be used to better advantage to equip our own waterways with boats, warehouses, grain elevators, terminal facilities, etc., so as to reduce the freight rate to a minimum to the public.

34. When we need so much money for internal improvements, farm credits, transportation, warehouses, good roads, improved highways, extension of our own inland waterways, improvements in our harbors and docks, and an adequate appropriation by Congress to take proper care of our ex-service men, it is ridiculous for the people of the United States to spend \$500,000,000 to help an adjoining country to build a paralleling and competitive route in territory without the United States to compete with an existing all-American route within the territory of the United States.

35. Our policy should be American money for American waterways within the territory of the United States.

36. If Great Britain controls, through Canada, the export harbor, and Liverpool the import harbor, as well as the boats in which our grain and farm products are shipped, she will also control the price; and she being a consuming nation, her control of the price will be downward, and the farmers will lose more in the selling price of their commodities than they can possibly gain if all the promises be true of the reductions in the transportation rates.

37. What the farmers need to-day is immediate relief by being supplied with the necessary water, rail, and highway transportation facilities at reasonable rates.

38. This foreign canal which some are in favor of building in the Dominion of Canada can not be constructed, properly

equipped with terminals, boats, and other equipment within 10 years' time, and what the farmer needs to-day is immediate relief.

39. Before we consider the 50-50 improvement of the St. Lawrence River, we should at least own all that land between the present boundary of the United States and the center of the St. Lawrence River, reaching from its source to its mouth and south of the Gulf of St. Lawrence, which is now part of the Dominion of Canada.

40. Whenever a water power is developed the land contiguous and adjacent thereto improves in importance and value because the land bordering upon a waterway development is the storage battery, the reservoir, and transformer for the developed horsepower. It is where the people congregate, create villages and cities, build manufacturing plants and industries to utilize the electric power, transforming the electric energy into articles of commerce and the necessities of life which the people of the world purchase. It is where the developed electric power will be accumulated and stored for hundreds of years in the future in the form of large populated manufacturing districts. Therefore, it is important and essential that we at least own the land bordering on one side of the St. Lawrence River and the right to develop and utilize one-half of the horsepower available at any and all places throughout its entire length if we are required to pay for half the cost of its development.

41. I introduced the following resolution (H. Res. 287) February 14, 1922, which speaks for itself. If the President of the United States accomplishes its purposes, he will have at least made the United States corecipient as to the water power developed:

Whereas the St. Lawrence River is a natural boundary line, and the interests of the Governments of the Dominion of Canada and of the United States are mutual in its utilization: Therefore be it

*Resolved*, That the President is requested to take such steps as are consistent and in accordance with international procedure with the Dominion of Canada and Great Britain to purchase all that territory in the Dominion of Canada lying east and south of the line comprising the center of the channel of the St. Lawrence River from its mouth to its source and the center of the Gulf of St. Lawrence, including the full riparian rights and rights to develop and utilize half of the water power from the St. Lawrence River; and

*Resolved further*, That the President is requested to use his best endeavors to have payments due the United States on the British debt credited on the purchase price of the territory so acquired.

42. The reason that the people who live within the Great Lakes watershed and the Northwest are demanding a waterway outlet to the sea via the St. Lawrence River through the Dominion of Canada is due to the fact that the railroads were congested during the war and that the present railroad rates were caused by the war. The congestion has ceased to be a factor. In addition this the New York State Barge Canal, with a carrying capacity of between twenty and twenty-five million tons annually, has since been put into operation and thrown wide open to the commerce of the world free of tolls, as the taxpayers of the State of New York pay for its upkeep, maintenance, and operation. This canal connecting the Great Lakes and the Atlantic Ocean parallels the proposed St. Lawrence canalization project in Canada and will give all the necessary water transportation service that is necessary to relieve the Great Lakes of its export tonnage at the present time or for a great many years in the future.

The barge canal will do more to relieve traffic than the proposed St. Lawrence ship canal because its open season is longer when compared with an approximate six months' season in the St. Lawrence River. Therefore it will have a more beneficial and continuous effect in its control of the railway rates from the West to the East.

43. The adjustment of the present railroad rates has been taken up by the Interstate Commerce Commission and will be, I believe, honestly and fairly dealt with from time to time and readjusted to meet the economic peace-time conditions. The readjustment of the railroad rates from the Great Lakes to the Atlantic Ocean will not be facilitated by the proposed canalization of the St. Lawrence River which can not be completed within 10 years.

44. If we are to derive any immediate benefit from the competitive waterway route to assist, it will have to come from the utilization of the present waterway lines competition such as the barge canal affords, which is now in operation.

45. The scheme of developing the St. Lawrence River with American money should never be allowed to become a reality until the United States at least is in a position to be a 50 per cent beneficiary, nor should we pay 50 per cent of the cost of the canalization of the St. Lawrence River until we are put in a position that the canalized St. Lawrence River throughout its entire length from the Great Lakes to the Atlantic Ocean is one-half within the territory of the United States.

46. I know from an engineering standpoint that this canal can be built, and the necessary dams can be constructed to develop the water power, and that the United States is rich enough to build them, but from our national standpoint they should not be built any more than the New York Central Railroad, the Pennsylvania Railroad, the New York, New Haven & Hartford Railroad, the Boston & Maine Railroad, the Rutland Railroad, and the Boston & Albany Railroad change their routes from terminals and harbors within the territory of the United States to terminals and harbors in the Dominion of Canada, so as to obtain terminal facilities nearer to Liverpool, than for the United States to change the route of its present waterway system by canalizing the St. Lawrence River, thereby creating terminal harbors in Canadian territory, so that the harbors may be closer to Liverpool. As far as our national transportation policy is concerned, there is no difference between a railway, highway, or a waterway route.

47. All our past expenditures and future efforts in relation to the improving of the Mississippi and Ohio Rivers and other internal waterway improvements will be useless if the canalization of the St. Lawrence River is made to compete to serve the same territory if it will accomplish what the proponents believe be true.

48. If this unheard-of expenditure is appropriated by Congress for the St. Lawrence waterway, it will naturally curtail the waterway development within the territory of the United States, as the total cost will require a larger expenditure annually for the next 10 years than what we are appropriating annually now for all our interior waterway improvements.

49. We should not expend so large a sum of money to give to a competing nation the same transportation facility which we enjoy ourselves, and in this instance, looking into the future, the total number of bushels of grain exported by the United States will gradually lessen as our domestic population increases, while the total number of bushels exported from Canada will increase, as they develop additional acreage, and as time passes the return on the investment will be much greater from a transportation standpoint to Canada than to the United States. Our policy should be to develop a waterway system which will serve best our own producers and consumers for all time in the future.

50. The great Atlantic seaboard cities—Boston, New York, Philadelphia, Baltimore, Norfolk, Newport News, Charleston, Savannah, Jacksonville, Mobile, New Orleans, Galveston, and all other Atlantic seaboard cities—have been developed and have grown prosperous largely on account of the close relation which has been built up, developed, and fostered for generations between the merchants, manufacturers, and traders, and the producers from the fields and mines of the interior in the development of the natural tributaries to these Atlantic ports, and vast sums have been invested by the citizens of our country on these avenues of commerce, the railroads and steamship lines carrying the produce of our mines, fields, and factories between the interior of our country and the Atlantic seaports.

51. Changing our commerce balance at this time by the Government of the United States by the construction of an avenue of commerce running almost entirely through foreign territory would have a disastrous effect, if the proponents of this project are correct, upon the great cities developed under the care of the Government and by means of the thrift, enterprise, and investment of the citizens of our own country; these would be destroyed in large measure by an appropriation from the public moneys of the United States obtained by taxing these seaboard cities for a waterway through foreign territory in competition with our domestic enterprises inaugurated and developed solely by the citizens of the United States and domestic capital.

52. Railroad congestion can not be entirely relieved by a waterway which, due to climatic conditions, only operates normally six months in the year on account of ice and fog.

53. The grain from the Middle West near and adjacent to Kansas City should be shipped via the Missouri River and Mississippi River all the way to the ocean by water, rather than via railway for 200 miles so as to pass through the St. Lawrence or any eastern port.

54. When New York State investigated the building of the barge canal at a large expenditure it employed several commissions at different times, each composed of competent engineers, who in their reports condemned the St. Lawrence route and finally recommended the barge canal as it now exists, because from their experience and expert knowledge they believed it to be the cheapest and most economical waterway system that could be developed connecting the Great Lakes and the Atlantic Ocean, and the most practical and feasible scheme regarding width, depth, safety, and practicability of navigation.

55. The title of all the water-power rights south of the international line belong to the State of New York. The Federal

Government can not develop it except for commerce under the Constitution. The St. Lawrence project is more than a 75 per cent power project.

56. The deepening of the channels, the rebuilding of the harbors, and the installation of the proper machinery for handling freight in loading and unloading ocean-going vessels on the Great Lakes will cost over a hundred million dollars in addition to the expenditure in the St. Lawrence proper.

57. It is not conducive to the continuance of harmonious and pleasant relations for two nations to enter into joint ownership and operation of so important a project. Either one or the other should build it, own it, and operate it, and have full control of it in time of peace as well as in time of war.

58. During the war time Canada cut off the supply of electric power to some of our manufacturing plants under the plea that she needed it for war-time purposes. The same thing will hold true in relation to this project if similar and like conditions should arise.

59. The truth about water navigation from the Middle West to Liverpool is that at most three types of craft are needed—lake vessels, built lightly and inexpensively, for cargo-carrying purposes exclusively; barges to traverse the interval between the Lakes and the sea, and the heavily constructed ocean craft, with large crews, staunchly built, which can brave the ocean storms and make as many round trips as possible in a given time.

60. The commission which represented New York at the ship-canal hearings before the International Joint Commission reports that the average cost of transportation of wheat per bushel from upper lake ports to Liverpool, via Buffalo and the Erie Canal, was only 10.73 cents in the five years from 1910 to 1915. How can that normal rate be lowered to the western farmer by introducing a through ocean route to the Great Lakes, handicapped by far greater initial cost and greater cost of operation?

61. The lake steamer hauls freight both ways. The ocean carrier would return from Liverpool without a cargo if it returned to a nondistributing center in the United States, for the return cargo is the great problem for our existing ocean liners to-day.

62. I beg to submit statistics reported by the commission in opposition to the St. Lawrence Ship Canal and power project in a table setting forth the rate of freight by lake to Buffalo and by canal to New York year by year from 1910 to 1915 and from New York to Liverpool for the same length of time, together with a list of other costs, which includes various expenses for handling the freight which was absorbed in this freight rate.

Taking a more recent period, that of 1910 to 1915, which period is considered as more truly representative of present-day conditions, the rate of freight by lake to Buffalo and by canal to New York was as hereafter shown.

| Year.        | Lake.  | Canal. | Through. |
|--------------|--------|--------|----------|
|              | Cents. | Cents. | Cents.   |
| 1910.....    | 1.06   | 4.08   | 5.14     |
| 1911.....    | 1.03   | 4.36   | 5.39     |
| 1912.....    | 1.36   | 4.32   | 5.68     |
| 1913.....    | 1.40   | 4.57   | 5.97     |
| 1914.....    | 1.28   | 4.27   | 5.55     |
| 1915.....    | 1.33   | 4.47   | 5.80     |
| Average..... | 1.243  | 4.345  | 5.588    |

During the 1910-1915 period the average ocean rate from New York to Liverpool was 5.15 cents per bushel. This information is derived from the official records of the New York Produce Exchange and is authoritative.

In citing figures of this character, particular emphasis should be laid on the fact that the bases named represent the transportation charges assumed by the commodity and not the cost of transportation as reflected in the charges of lake vessel, canal barge, and ocean vessel operations. Such latter figures are of course appreciably less than the rate of transportation under which the grain moved and a clear distinction must be made between "cost of transportation" as applied to the ship operator and "cost of transportation" as assumed by the consignee or consignor.

Moreover, the rates named include the transportation service via lake, canal, and ocean, and the incidental terminal service involved in transfer from lake vessels to canal barge and again to the ocean carrier. The rates named are gross rates, and there is absorbed therein the cost of the following operations:

1. Elevator charge at upper lake port.
2. Lake cargo insurance.
3. Lake transportation to Buffalo.
4. Elevator charge at Buffalo.
5. Five days' free elevator storage at Buffalo.
6. Canal cargo insurance.
7. Canal transportation to New York.
8. Elevator charge at New York.
9. Three days' free storage on canal barge at New York.
10. Five days' free elevator storage at New York.
11. Ocean cargo insurance.
12. Transportation via ocean.

The average ocean rate, New York to Liverpool, as cited, is exclusive of the rate for the year 1915, during which year, because of war conditions, ocean rates reached abnormal levels.

Annual average freight rates on wheat per bushel, from Chicago to New York, by lake and canal, and by lake and rail, and from New York to Liverpool via ocean, for the years 1900 to 1914, inclusive:

| Year.     | By lake and canal. | By lake and rail. | New York to Liverpool. |
|-----------|--------------------|-------------------|------------------------|
|           | Cents.             | Cents.            | Pence. <sup>1</sup>    |
| 1900..... | 4.92               | 5.05              | 3 1/2                  |
| 1901..... | 5.64               | 5.57              | 1 1/2                  |
| 1902..... | 5.75               | 5.78              | 1 1/2                  |
| 1903..... | 5.94               | 6.17              | 1 1/2                  |
| 1904..... | 5.21               | 5.02              | 1 1/2                  |
| 1905..... | 6.01               | 6.29              | 1 1/2                  |
| 1906..... | 6.44               | 6.40              | 1 1/2                  |
| 1907..... | 7.18               | 6.97              | 1 1/2                  |
| 1908..... | 6.50               | 6.50              | 1 1/2                  |
| 1909..... | 5.85               | 6.88              | 1 1/2                  |
| 1910..... | 5.60               | 6.54              | 1 1/2                  |
| 1911..... | 5.87               | 5.23              | 2                      |
| 1912..... | 6.07               | 6.42              | 3 1/2                  |
| 1913..... | 6.20               | 6.31              | 2 1/2                  |
| 1914..... | 5.81               | 6.54              | 3                      |

<sup>1</sup> A pence is equivalent to 2.03 cents on basis of \$4.8665, the normal value of the English pound sterling in American money.

63. I quote below paragraphs from letters received from seven different shippers from various trans-Atlantic navigation companies setting forth their opinion as regards the usefulness of this project and their likelihood of utilizing it should it be finally constructed:

In reply to your letter of March 11, we beg to advise that there is no possibility of our using the Great Lakes and St. Lawrence River Canal should such be built. As a matter of fact, we are not in favor of the canal, as we feel that it will divert business from the established routes which we are interested in maintaining and on basis of which permanent terminals have been provided by us. We are positively opposed to the diversion of our cargoes from the United States North Atlantic ports.

I entirely and heartily approve of your attitude in this matter. I believe there is grave doubt as to whether the St. Lawrence Canal development would accomplish sufficient in the way of results to justify the cost of building the canal and developing the water power for which there is no near-by market.

There is, of course, a very large territory between the Atlantic seaboard and Chicago south of the Great Lakes and the St. Lawrence which would not be naturally tributary to the proposed route, so in any event we believe it would be impossible and undesirable to abandon our terminals at the Atlantic ports. Furthermore, many of our larger vessels draw in excess of 25 feet, so the use of the proposed canal would be confined to the smaller type of ship.

Replying to your favor of the 11th instant, we would state that our trade would not be affected by the proposed canal connecting the Great Lakes with the St. Lawrence River, and we therefore are not in a position to express an opinion in the matter.

The steamers handled by us are operating to Mediterranean and Adriatic ports and the greater part of this traffic would no doubt continue to move via the Atlantic ports.

If 25 feet is to be the limit of depth in the proposed St. Lawrence Canal it will, of course, only accommodate steamers of very moderate size, and the use of such a canal for steamers operating on the North Atlantic Ocean would therefore be limited. The White Star steamers are very deep draft, averaging in the neighborhood of 34 feet when loaded, so from a practical point of view it would obviously be impossible for them to navigate the proposed canal.

Referring to yours of the 11th with respect to the agitation of a 25-foot canal connecting the Great Lakes with the St. Lawrence River, as operators of overseas equipment we can not see wherein the proposed project would benefit shipowners or any appreciable number of shippers, so far as this country is concerned.

Independent of this phase of the project, it is not, in our judgment, a practical scheme, because ships suitable for ocean navigation could not safely be navigated in a 25-foot channel through the St. Lawrence River and the Great Lakes.

There can not be any safe, profitable business built up on such a project, from our study of this matter, and we are opposed to it.

64. Statement of Frank C. Munson, president of the Munson Steamship Line:

The proposition to canalize the St. Lawrence for ocean-going vessels is utterly impracticable from the shipping standpoint. Shipments of grain from Chicago to European ports by the proposed canal would require twice the time needed under the present system because of the low rate of speed with which ocean-going ships could navigate the 1,180 miles of this restricted waterway.

The cost of transportation on such ships through this canal would be at least double that under the present practice of sending grain by water to deep-sea ports for transfer to large ocean-going vessels. Only vessels of from three to four thousand tons could utilize a canal with a depth of 25 feet, as proposed, and even these would be unable to use many of the harbors and connecting waterways of the Great Lakes, which at the present time are only 20 to 21 feet in depth.

Thus to the cost of the canal, in order to make it practicable for these comparatively small vessels, must be added the cost of deepening Great Lake ports and channels.

In my opinion, any steamship company attempting to operate across the ocean and through the St. Lawrence Canal in competition with lines getting grain from rail or barge at New York or Montreal would be a losing venture from the start. If these facts were understood by our Representatives in Washington, there would be no question of their refusal to appropriate \$252,000,000 of our good money or any part of such a sum for this purpose.

## 65. American labor's attitude:

Do you approve spending your American money in a foreign country to pay foreign workmen when so many American workers are unemployed?

Your answer is obvious, but your careful attention is called to what follows. Read it and act. Make your protest heard.

It is as a railroad man and a marine engineer, with the interest of my fellow workers at heart, that I am writing this, exposing one of the most brazen injustices ever attempted against the workers of the United States—a scheme to throw hundreds of millions of American dollars into a development in a foreign country, benefiting the working class of another country.

HAROLD K. LOVELESS,  
Buffalo, N. Y.

66. The Federal Government should formulate and promote a national plan of internal waterways and adopt the principle of spending United States money for United States waterways under United States control.

67. The facts are that New York is not the "neck of the bottle," as claimed by the proponents of the St. Lawrence project. The St. Lawrence is already canalized and rates are already so low from Chicago to Montreal that no improvement is likely to be made in the St. Lawrence which can possibly affect the saving on grain rates as claimed by the propagandists in behalf of the St. Lawrence. The facts are that when a sufficient number of boats are placed on the barge canal the all-water rate via the Great Lakes-Barge Canal will be materially lower, and Montreal wants the United States to spend a half billion dollars so that without expense she will be able to retain a competitive waterway system with the waterways of the United States when they are made 100 per cent efficient.

68. In "a memorial concerning the fur trade of the Province of New York," presented to his excellency William Burnett, captain general and governor, by Cadwallader Colden, surveyor general of the Province, dated on the 10th day of November, 1724, Mr. Colden said that "notwithstanding all these advantages, which he had enumerated," the French labor under difficulties that no art or industry can remove. The mouth of the River of St. Lawrence, and more especially the Bay of St. Lawrence, lies so far north, and is thereby so often subject to tempestuous weather and thick fogs, that navigation thereof is very dangerous and never attempted but during the summer months.

"The wideness of this bay, together with many strong currents that run in it, the many shelves and sunken rocks that are everywhere spread over both the bay and river, and want of places for anchoring in the bay, all increase the danger of this navigation; so that a voyage to Canada is justly esteemed much more dangerous than to any other part of America. The many shipwrecks that happen in this navigation are but too evident proofs of the truth of this."

Notwithstanding all the precautions taken since that time, many ships have been wrecked in the Gulf and River of St. Lawrence. It is known as the "graveyard of the Atlantic."

In 1837 the *Albeuria* foundered in the Gulf of St. Lawrence and 525 lives were lost; in 1840 the steamer *Dundee* was wrecked and 292 lives were lost; in 1817 the steamer *Montreal* was lost 15 miles above Quebec with 253 lives; in 1898 the French liner *La Burgoigne* was in collision off Sable Island and 584 lives were lost; in 1914 the Canadian-Pacific liner *Empress of Ireland* was in collision with the collier *Storstad* in the St. Lawrence River near Father Point and sank in 20 minutes, and upward of 1,000 lives were lost. The commission which investigated that unparallel disaster found that the navigation of the St. Lawrence is attended with the constant probability of fogs. Captain Kendall said, "It was very foggy," and although the officers of the two vessels saw each other's vessel approaching, the fog settled down so suddenly that they were lost to each other's view and the collision occurred. It will be remembered that the loss of the White Star steamer *Titanic* in 1912 after colliding with an iceberg resulted in the loss of 1,500 lives. That disaster occurred, however, off the banks in the region of icebergs, which is the usual route of vessels passing between Liverpool and the Gulf of St. Lawrence.

Other disasters have occurred in the navigation of the River and Gulf of St. Lawrence, all of which tend to confirm the truth of the statements of navigators, in effect that the navigation of those waters, on account of the constant menace of fogs, snow, and ice, is most hazardous. This is borne out by the marine insurance rates, which increase from midsummer until November, when insurance can not be had at any rate, and thereupon insurance ceases altogether.

UNITED STATES SENATE,  
June 17, 1921.

HON. PETER G. TEN EYCK,  
House of Representatives, United States,  
Washington, D. C.

MY DEAR MR. TEN EYCK: I am taking the liberty of calling the first meeting of the Joint Commission on Agricultural Inquiry recently created, and the meeting will be held at my office, Monday, June 20, 1921, at 10.30 o'clock.

The first business in order will be the organization of the commission, and I hope that every member will find it possible to attend.

Very sincerely,

I. L. LENROOT.

HOUSE OF REPRESENTATIVES,  
Washington, June 21, 1921.

HON. PETER G. TEN EYCK,  
House of Representatives, Washington, D. C.

MY DEAR MR. TEN EYCK: In accordance with the action of the Joint Commission on Agricultural Inquiry I have appointed the following subcommittee on plan and scope: ANDERSON, CAPPER, HARRISON, MILLS, SUMNERS.

I desire to have the members of the subcommittee meet at Senator LENROOT'S office, room 133, Senate Office Building, at 10 o'clock Thursday morning, June 23. Members of the subcommittee will please take notice.

Sincerely yours,

SYDNEY ANDERSON.

JUNE 23, 1921.

HON. SYDNEY ANDERSON,  
Chairman Commission of Agricultural Inquiry,  
Washington, D. C.

DEAR MR. CHAIRMAN: Realizing that the report of your subcommittee on plan and scope will undoubtedly be received by the whole committee to-morrow, and feeling that the proper organization of our committee means so much for the future success of our work, and as the report of the subcommittee will be discussed in detail, I take great pleasure in inclosing you a proposed plan of organization of the Commission of Agricultural Inquiry for your information and consideration.

I have written this out, suggesting in a general way how we should proceed with our work in detail, and desire to file this with you, as I wish to record with the committee my views as regards the organization.

Very sincerely yours,

PETER G. TEN EYCK.

The subcommittee on plan and scope, composed of ANDERSON, CAPPER, HARRISON, MILLS, and SUMNERS, make the following report:

That the commission undertake, first, to assemble and organize available data:

1. On causes of the present condition of agriculture.
2. On the difference in price of agricultural products paid to the producers and the ultimate cost to the consumer.
3. On the comparative condition of industries other than agriculture.
4. On the relation of prices of products other than agricultural products to such products.

This with a view of securing a statistical picture of the existing situation with a view of development of a further specific line of inquiry.

That two subcommittees of three members each, the chairman of the commission to be an additional member of the subcommittees ex officio, be appointed by the chairman as follows:

First. A subcommittee to investigate and report upon the cotton situation, with particular reference to the ascertainment of existing surpluses in the United States, possible markets abroad, and ways and means for the disposition of existing surpluses in foreign markets.

Second. A subcommittee to investigate the live-stock situation, with particular reference to emergency credits.

These subcommittees to deal with immediate emergency conditions, not to interfere with pending legislation and measures of relief already under way.

That investigations relative to marketing be confined to grain, live stock, cotton, dairy products, vegetables, and fruits, with special reference to one or more commodities in each group.

That the commission employ a secretary with qualifications as an expert in the economics of distribution and an agricultural economist, the selection of the men to be subject to consideration by a subcommittee composed of ANDERSON, CAPPER, and MILLS.

## PROPOSED ORGANIZATION OF COMMISSION OF AGRICULTURAL INQUIRY.

[By Mr. P. G. TEN EYCK, June 23, 1921.]

Each individual member should submit a complete list of all the different phases of the various subjects of the agricultural industry and all phases of other industries which relate to agriculture or have a bearing upon the cost of its produce, cost of distribution, and price received by the farmer.

After the above information has been properly tabulated the committee as a whole can segregate the subjects to which we should give our attention and consideration to carry out the purport of the joint resolution under which we are now functioning.

After this list of subjects has been approved of and settled upon by the whole committee, the committee should decide upon the various sources of information to be considered in our investigation of the subjects previously decided upon.

After having decided upon the various sources of information the committee should come to an understanding as to the best way of obtaining the information from the various sources.

Each subject should be heard separately, as far as practicable, so as not to be led astray on a tangent and confuse our hearings with other or foreign subjects and thereby scramble our ideas, jumble our information, and consequently cause further confusion when referring later to the various lines of investigation for comparative and joint use.

All hearings on any subject, or subdivision thereof, should be heard by the whole committee and not by a subcommittee.

When using departmental or committee files and reports of hearings on any subjects as outlined the data should be gone over by a hired expert and all pertinent information therein segregated and compiled with proper and suitable references for use of the committee and placed in the record of the committee hearing on each individual subject.

I believe the first thing the committee should decide upon is whether we shall take up this important subject from the standpoint of immediate relief or from the viewpoint of permanent remedy. I further believe that we should first give due consideration to the immediate relief of the farmers' present condition, and I feel this can be taken care of under the subject of finance, subdivided into domestic credit, foreign credit, and discount loans, and positive immediate relief given to the farmer within a very short time by intelligent action by the entire committee, which will give immediate and satisfactory relief to the farmer.

At the same time, the committee should consider the entire agricultural industry from a permanent remedial standpoint, which, in turn,

will lead into innumerable subjects on agricultural and interrelated industries, which should be considered in an orderly way in accordance with suggestion as outlined above.

I would further recommend that a complete record be kept of all the discussions and hearings of the committee as well as the decisions reached by it.

PETER G. TEN EYCK.

**SUMMARY OF AGRICULTURAL AND INTERRELATED PURSUITS BEARING UPON THE AGRICULTURAL INDUSTRY.**

(For consideration by Joint Commission of Agricultural Inquiry.)

[By Mr. PETER G. TEN EYCK, June 25, 1921.]

**FINANCE.**

Mortgages, discount loans—National or State banks, domestic credits, foreign credits, Federal land bank, Federal reserve bank, community financing on warehouse receipts, cooperative banking (interest rates).

**TRANSPORTATION.**

Railroad (rates, service), highways (building, location), merchant marine, waterways (improvement), joint terminal facilities, cooperation of all four; warehouses, and grain elevators.

**MARKETS.**

Domestic: Local, intrastate, and interstate.  
Export.  
Cooperative (cut cost of spread).

**COSTS OF FARM PRODUCTS.**

Production by farm labor: Planting and sowing, harvesting, and storing.

Purchases: Seeds, implements and machinery, and food supplies.  
Marketing: financing; fuel for heat, light, and power—coal, oil, and electricity; total investment; interest on capital; taxes, insurance, and repairs; management and supervision.

**ORGANIZATION.**

Cooperative bargaining, cooperative buying, cooperative selling, cooperative manufacturing and canning plants, cooperative storage plants or warehouses, cooperative packing houses, cooperative cheese and butter factories.

**LABOR.**

Supply bureaus: Federal and State; hours, productive and nonproductive; wages; immigration. (Greatest cost entering production.)

**IMPROVE PRODUCTION.**

Seeds, cattle, poultry, diversified crops, soil treatment, crop treatment, and machinery.

**STORAGE.**

Farm storage, cooperative community storage, and central corporate storage companies.

**STATISTICAL REPORTS.**

Federal and State; amount of crops, domestic; amount of crops, foreign; amount of crops stored, foreign and domestic; domestic markets; and foreign markets.

**IMPROVE LIVING CONDITIONS.**

Education, rural schools, agricultural colleges, modern heating, sanitary plumbing, modern lighting, woman's work, community attractions, churches, social intercourse with neighbors, mail service, telephone service, and improved highways.

**FARM PRODUCT PRICES.**

Compare cost of production with price sold by farmer and price paid by consumer.

**INTERRELATED INDUSTRY PRODUCTS.**

Compare cost of production with cost to farmers.

**COOPERATIVE MANUFACTURING.**

Flour and feed, dairy products, cheese and butter, packing houses, and storage warehouses.

**EDUCATION.**

Rural schools; agricultural colleges; extension of mail service, Federal and State; bulletins, Agricultural Department; and farm organization.

**LEGISLATION.**

National; State; local; beneficial; restrictive; reciprocity (international) tariff; taxation; financial—credits; marketing; conservation; manipulation; and improved highways.

**DISTRIBUTION.**

Commission merchants, transportation, storage, packing, markets, retail stores, and cooperative organizations.

**SUMMARY OF COMMITTEES, ORGANIZATIONS, COMMISSIONS, AND BOARDS FROM WHICH INFORMATION MAY BE OBTAINED IN RELATION TO AGRICULTURE AND ITS CONDITIONS.**

(For consideration by Joint Commission of Agricultural Inquiry.)

[By Mr. PETER G. TEN EYCK, June 25, 1922.]

**DEPARTMENTAL.**

Department of State, Department of Treasury, Department of Interior, Department of Agriculture, Department of Commerce, and Department of Labor.

**SENATE COMMITTEES.**

Agriculture and Forestry, Banking and Currency, Commerce, Finance, Foreign Relations, Immigration, Interstate Commerce, and Irrigation and Reclamation.

**HOUSE COMMITTEES.**

Agriculture, Banking and Currency, Foreign Affairs, Immigration and Naturalization, Interstate and Foreign Commerce, Irrigation of Arid Lands, Labor, Merchant Marine and Fisheries, Roads.

**MISCELLANEOUS.**

Secretary of Agriculture of each State, Interstate Commerce Commission, Federal Trade Commission, United States Shipping Board, American Federation of Labor, United States Labor Railroad Board, War Finance Board, Bureau of Farms and Markets, Census Bureau, All farm organizations, Federal Reserve, Federal Farm Loan Board, Chamber of Commerce of the United States, Woman's organizations and housewives.

HOUSE OF REPRESENTATIVES,  
Washington, June 24, 1921.

HON. PETER G. TEN EYCK,  
House of Representatives.

MY DEAR MR. TEN EYCK: There will be a meeting of the Joint Commission on Agricultural Inquiry in Senator LENROOT'S office, 133 Senate Office Building, to-morrow, Saturday, June 25, at 10.30 a. m.

I desire also to advise that I have appointed members of the commission to subcommittees, as follows:

Subcommittee to investigate the cotton situation: Messrs. Summers, Robinson, and Harrison.

Subcommittee to investigate the live-stock situation: Messrs. Capper, Funk, and Ten Eyck.

Sincerely yours,

— SYDNEY ANDERSON, Chairman.

JUNE 25, 1921.

HON. SYDNEY ANDERSON,  
Chairman Commission of Agricultural Inquiry,  
Washington, D. C.

DEAR MR. CHAIRMAN: Your letter of June 24 at hand and noted, and beg to advise that I am very glad to accept the designation on the subcommittee on live stock, with the understanding that this committee is to report and recommend to the committee of the whole as regards the procedure of hearings and the investigation covering the immediate relief of the live-stock situation.

With the kindest personal regards, I beg to remain,

Sincerely yours,

— PETER G. TEN EYCK.

JUNE 25, 1921.

HON. SYDNEY ANDERSON,  
Chairman Commission of Agricultural Inquiry,  
Washington, D. C.

MY DEAR MR. CHAIRMAN: I take great pleasure in handing you herewith the data which I presented to the committee to-day, and am very pleased, indeed, to inclose you nine copies of the summary of agricultural and interrelated pursuits bearing upon the agricultural industry for distribution to the members of your committee; also nine copies of list giving various sources from which information of interest can be obtained for use by your committee. I am also inclosing you nine copies of my recommendation of proposed organization of the Commission of Agricultural Inquiry, copy of which I sent you yesterday with my letter of June 23, for similar distribution to the members of your committee. I have retained a copy of each of the above for my own files.

You realize that the above information is only submitted for the consideration of the committee as a basis from which to start, and is, of course, subject to such revision and modification as you or your committee deem advisable.

Trusting the above is the information you desire, I beg to remain, with the kindest personal regards,

Very sincerely yours,

— PETER G. TEN EYCK.

HOUSE OF REPRESENTATIVES,  
Washington, June 28, 1921.

HON. PETER G. TEN EYCK,  
Care of House of Representatives.

DEAR MR. TEN EYCK: This will acknowledge the receipt of your letter of the 25th instant, inclosing copies of memoranda submitted by you to the commission at its recent meeting. I am sending the memoranda to the various members of the commission to-day, with the request that they consider it carefully and come to the next meeting, which will probably be called for Thursday or Friday of this week, prepared to suggest additions or modifications of the program proposed by you.

Sincerely yours,

— SYDNEY ANDERSON, Chairman.

AUGUST 1, 1921.

HON. SYDNEY ANDERSON,  
Chairman Joint Commission of Agricultural Inquiry,  
Washington, D. C.

MY DEAR MR. CHAIRMAN: Along with the compilation of data and statistics which our committee is preparing I would be pleased if you would have made a chart showing the comparison of the increase of railroad returns for the fiscal year and the year 1913; the increase of return upon other industries of the country for the last fiscal year and the year 1913, and the increase or decrease in the return of all farming products for the same periods of time.

In addition to the above, I would like to have the increase in the cost of operation and maintenance of each one of the above over the same periods of time, setting forth the increase in materials used and labor hired, separately, if possible.

We should also ascertain the number of changes and turnovers or the number of people through whose hands the various commodities or products of the farmer pass through from the time they are produced by him until they reach the consumer.

This, I believe, will be rather hard to obtain in all instances, but we can obtain an average number of turnovers for each of the following products: Cotton, wheat, corn, beef, hogs, etc.

The above information, together with a chart showing the cost of production to the farmer, the farmer's selling price, the packer's price, the commission men or warehousemen's selling price, and the retailer's selling price, will give the committee the necessary information to intelligently act.

I will take this up further personally with you when I next see you.

With the kindest personal regards,

Very sincerely yours,

— PETER G. TEN EYCK.

OCTOBER 12, 1921.

HON. SYDNEY ANDERSON,  
Chairman Joint Commission of Agricultural Inquiry,  
Capitol, Washington, D. C.

MY DEAR MR. CHAIRMAN: Referring to your request that I make suggestions as regards additional topics for the committee to report on, other than what we covered in the report which you are now having printed, beg to advise that in relation to the same I feel that when we consider the committee report we should take up my suggestion to the commission in my letter of June 25, 1921, which I submitted to the committee with my suggestions as regards organization, plan, and scope, in which I detailed the various things which the committee should consider in its hearings, which I feel detailed the subjects quite thoroughly.



The prominent things, however, as per our previous conversation, I beg to set forth as follows: Farm credits and farm banking; transportation rates, transportation service; transportation—water and rail; transportation—joint terminal facilities.

Marketing: Domestic and export; cutting spread between producer and consumer; cost of production to the farmer; farm accounting; cooperative bargaining; labor supply stations; farm stores and cooperative storage on farm and at joint terminals; statistical reports—domestic and foreign.

The appointment of a farm attaché in the American Consul General's offices in foreign countries for the purpose of securing agricultural statistics; farm living conditions; comparison of cost of production and cost of sale of farm products and cost of production and purchase price to the farmers of all commodities used by him; farm educational system on agricultural subjects; improvement in distribution of farm products, by elimination of the handling, and cutting the cost.

All of the above I set forth more in detail in my summary of agricultural and interrelated pursuits bearing upon the agricultural industry for consideration of the committee on June 25, 1921.

Hoping this is the information you desire, I beg to remain, with kind regards,

Very sincerely yours,

PETER G. TEN EYCK.

OCTOBER 31, 1921.

HON. SYDNEY ANDERSON,  
Chairman Joint Commission of Agricultural Inquiry,  
Capitol, Washington, D. C.

MY DEAR MR. ANDERSON: Referring to the printed report which you have submitted to the Joint Commission of Agricultural Inquiry for their correction and approval, beg to advise that I feel, as expressed to you at the meeting held last Friday evening, that the joint commission should not only issue a report setting forth in a general way from information received the cause of the troubles in the various agricultural pursuits at this time, but should make some definite recommendations as to what should be done, both by the farmer and the consumer, regardless of legislation, and by the legislators to relieve farm conditions and strengthen the agricultural industry of the country.

I believe that we realize that there are several fundamental causes for present-day conditions, such as the following:

- (a) Farm credits.
- (b) Cost of transportation and service.
- (c) Local, domestic, and foreign marketing.
- (d) Cost of spread and distribution between producer and consumer.
- (e) Cost of production and labor.

So that you may understand more thoroughly what I mean, I will submit for consideration and recommendation in our report several of the things which I believe we should recommend for correction:

1. That suitable banking opportunity should be inaugurated to give to the farming industry of the country the same banking facilities on their turnover that all other industries receive to-day. There is a great need for the extension of time on discount loans to the farmer from nine months to one year. This can be accomplished by authorizing the Federal reserve bank to extend their discount time on farm products to the length of time of their turnover. The extension of credit by local institutions and the establishing of additional facilities where necessary.

2. That suitable accommodations for marketing be established, with a view of lowering the cost of spread so as to reduce the cost of distribution between producer and consumer.

3. Recommend to the farmers that they organize for the purpose of cooperative bargaining.

4. That the railroads reduce their rates on farm products systematically and scientifically, giving due regard to the localities of production and the localities of consumption.

5. That suitable and adequate joint terminal facilities be installed connecting the railway, waterway, and highways, and that sufficient and efficient terminals and proper warehouses be located at export ports with accommodations for farm products to be shipped abroad.

6. That the necessary merchant marine for the transportation of farm products be constructed and operated so that a continuous and even trans-Atlantic and Pacific waterway route to meet the demands of our foreign commerce be established.

7. That public markets be built in each of our cities for the mutual use of the farmer and consumer.

8. That an attaché or Government agent be placed in each consular agency abroad, whose sole duty will be to obtain information as regards the farm industry of that particular locality or country, so that he may obtain authentic information as regards the amounts of crops raised, the amount of produce stored, the amount consumed, the amount imported by the Government and from whom imported, and the amount imported from each country, and such other information as regards the method of growing, kinds of seeds used, and kind of food consumed in his particular locality.

9. That farmers inaugurate a system of cost keeping, so that he may ascertain what crops are most profitable in his locality, with the purpose of growing that which is best adapted to their particular sections.

10. That the farmers cooperate in establishing and building cooperative community storage warehouses to carry their produce from seasons of production over the entire season of consumption, and upon which warehouse receipts could be issued, which would be accepted as collateral at banks, etc., thus standardizing their products of diversified farming.

There are many others of more or less importance which the joint commission will undoubtedly desire to add to this list, which I submit merely for the consideration of the entire joint commission for recommended improvements in the farming industry of the country.

Respectfully yours,

PETER G. TEN EYCK.

NOVEMBER 28, 1921.

HON. SYDNEY ANDERSON,  
Chairman Joint Commission of Agricultural Inquiry,  
Washington, D. C.

MY DEAR MR. CHAIRMAN: In reply to your request of to-day as regards my suggestion in relation to recommendations as regards our report and the proposed legislation for the extension of credits to the agricultural interests, beg to advise that I feel it is essential that the reserve bank should be authorized to rediscount farm paper for the full time of the turnover of the farmer's products which are given as collateral on his loan at a local financial institution, other than what is known as the three-year turnover of the cattle-raising industry.

I believe that this committee should seriously consider the advisability of restricting all member banks of the Federal reserve bank as regards the maximum interest rate charged their customers on money

received from the Federal reserve bank, permitting them to charge only a certain percentage of the legal rate which obtains in their respective States by law in which the loan is made, in addition to the rate which is charged them by the Federal reserve bank.

Very truly yours,

PETER G. TEN EYCK.

DECEMBER 9, 1921.

HON. SYDNEY ANDERSON,  
Chairman Joint Commission of Agricultural Inquiry,  
Washington, D. C.

MY DEAR MR. CHAIRMAN: Referring to the difference of opinion of the various members of the commission as regards our report on finance, and the opinion of the members that we should make direct recommendations, in accordance with my suggestion, that the various members of the commission submit to you such recommendations they care to suggest for embodiment in the final report, in addition to issuing a statement setting forth a summary of our hearings as regards agricultural credits, I beg to recommend the following:

1. That farmers and live-stock producers be accorded the same banking facilities that all other business men receive.

2. That so-called short-time loans be furnished to them from six months to three years to meet their requirements, extending the loan to meet the time of the turnover on various products of the farmer.

3. That the banking system of the country be so organized that all the banks who loan to the farmers will obtain discount facilities to the fullest extent possible, commensurate with the security which they present.

4. That a medium of discount be established for all the banks which loan to the farmers so that farm paper will have discount rights in the Federal reserve bank.

5. That all the banks that rediscount farm or other paper be restricted as to the additional amount of interest they charge to their farmer customers over that which they pay to the rediscount bank.

6. That banking facilities be provided for the farmer so that his products can be utilized for basic credit to the fullest extent possible, and the banks be authorized to accept loans with proper warehouse certificates as collateral, and suitable and adequate arrangements for the discounting of agricultural paper for the full length of the time of the turnover of the product on which the loans are negotiated.

Very sincerely yours,

PETER G. TEN EYCK.

JOINT COMMISSION OF AGRICULTURAL INQUIRY,  
Washington, D. C., December 13, 1921.

HON. PETER G. TEN EYCK,  
House of Representatives, Washington, D. C.

MY DEAR MR. TEN EYCK: This will acknowledge yours of the 28th ultimo, containing recommendations with respect to the credit report. I shall be glad to lay the suggestion before the commission at its next meeting.

Sincerely yours,

SYDNEY ANDERSON, Chairman.

The CHAIRMAN. The time of the gentleman from New York has expired. The gentleman from Wisconsin [Mr. VOIGT] has 36 minutes and the gentleman from Arkansas [Mr. JACOWAY] 25 minutes remaining.

Mr. VOIGT. I yield 10 minutes to the gentleman from Pennsylvania [Mr. GERNERD].

Mr. GERNERD. Mr. Chairman and gentlemen of the committee, the Nation prospers and advances in proportion as its population conserves its physical strength. The vitality of the race is dependent upon the health of the parent and the care with which the infants are nourished. One of the greatest factors underlying this vital question is the character of our food supply. It has only been in recent years that real serious thought has been given to this subject. The great insurance companies of America have made so many startling observations of the marked decline in the health of men after they pass the age of 50 that the medical profession all over the world began to direct its attention to the causes that produce this alarming fact.

Investigations and careful experiments have demonstrated the unerring truth that we are grossly negligent in the character of the food that we eat. We crave after the things that please the eye and gratify our taste, but which lack the essential quality that preserves our health and insures longevity of life. Apoplexy, heart failure, and Bright's disease have proven far more deadly to the men of 50 than did all the fearful and tragic attacks of the enemy in the late war. Have we forgotten the great crusade that was begun less than 20 years ago and carried on with such relentless zeal ever since to arrest infant mortality? Almost immediately it was discovered that the great cause of this scourge was impure milk which was being fed to babies throughout the land. Every effort was made to correct this startling discovery; there was not a city in the country that did not pass rigid ordinances regulating their milk supply and employ every effective means for its enforcement. State legislatures passed laws for the purpose of enforcing sanitation and inspection of the great herds of dairy cattle in order that the germs of infected cattle might not be transmitted in the food; in addition, a vigorous campaign of education was inaugurated, with the result that thousands of our infant population were saved during the last decade and the general health of the Nation conserved.

It has been demonstrated beyond question that one of the basic foods of our people should be the pure and wholesome

milk of the dairy cow; it possesses a quality of food value essential to real health. We are reliably informed that the American people consume daily but one-half pint of milk per capita, whereas our natural consumption should be a quart a day. Rickets in infants, pellagra, and low blood pressure are the chief characteristics of those suffering from lack of proper nourishment. Men are walking the streets by the thousands apparently in the best of health, who upon physical examination are found to be undernourished, caused by the lack of proper food. As a nation we are just beginning to appreciate the importance of health conservation. This is evidenced by the universal establishment in every community of a well-regulated public health service. Realizing, then, the importance of having a strong, vigorous, and healthy population, and that largely our national happiness and prosperity is dependent upon it, we are considering a bill to-day that presents to us a situation, fraught with real peril, unless we in our wisdom shall promptly act to prevent its further progress.

This bill seeks to prevent the manufacture and sale of filled milk. You will ask, What is filled milk? It is an imitation of condensed or evaporated milk, made by mixing condensed skimmed milk with coconut oil. Condensed or evaporated milk is condensed whole milk, with all of the cream and butter fat as produced from the cow, whereas filled milk is manufactured by skimming the cream and removing the butter fat from the natural milk and substituting in place of it coconut oil. Whenever the cream or butter fat is extracted from the whole milk and coconut oil is substituted the product loses its nutritive value. No one has contended that coconut oil possesses any real food value. Whatever food value this filled milk possesses is in the skimmed milk with which the coconut oil is mixed. We all appreciate the insignificant value of skimmed milk in our daily experiences; everybody conversant with the subject acknowledges that this filled milk substitute possesses none of the high food values that are contained in condensed or evaporated milk; it is a fraudulent substitute. What, then, has prompted its manufacture? During the year 1920, 86,561,000 pounds of this filled-milk product was made and sold, and in its manufacture nearly 8,000,000 pounds of coconut oil were used. It has been shown that it costs 86 cents per case (of 12 cans) less to manufacture this milk compound than pure condensed milk, and that it is sold upon the market in carload lots for \$1.40 per case less than is realized for condensed milk. Why, then, should this new product have such a marvelous demand when it has but little of the great food value that is found so abundantly in the legitimate product?

It is easy to understand the reason if we but realized that it costs considerable less to manufacture than that of condensed milk, so that its producers are able to engage in unfair competition with the legitimate producers of condensed milk. Coconut oil sells for 12 cents per pound, while the market price of butter fat is 36 cents per pound. These manufacturers have expended huge sums of money in spectacular advertising, skillfully leading a large public to believe that it is as good a product as condensed milk, and that it is a substitute, selling for less money. So adroitly have they introduced their brands that millions buy the substitute, believing it to be real condensed milk. The retail stores have been selling it for the same price per can as they have been getting for the legitimate article.

Mr. WATSON. Will the gentleman yield?

Mr. GERNERD. Not now, thank you.

It has been shown that 156 stores in the city of Washington have been selling it as a milk product and classing it with condensed milk. Unfortunately very few merchants that sell this compound are aware that it does not possess the same food value as condensed milk, and in their ignorance they stimulate its sale for the reason that they can buy this substitute for \$1.40 per case less than they can purchase the legitimate article. These producers of this milk compound nowhere pretend that it possesses any superior quality over that possessed by condensed or evaporated milk, but, on the contrary, every method is employed to deceive the public in believing it to be a similar product and as good as condensed milk.

So successful have they been in the sale of this product and the growing demand for it that they are alarmingly and seriously encroaching upon the legitimate manufacturer who puts forth the real product, that he is in danger of being put out of business or else forced to manufacture a similar article in order to meet this vicious and growing competition. It is a most palpable fraud upon the public and a great injustice to the manufacturer of condensed milk.

Thousands of mothers are compelled to use condensed milk in the feeding of their infants, and through many years of persistent efforts and experimentations whole milk has been

placed upon the market free of all impurities and still retaining the great nutritive value that fresh milk possesses. To-day thousands live in tenement houses and apartments where the question of a fresh milk supply is a most difficult and serious problem. There are many localities throughout the country where it is impossible to serve fresh milk. This is especially true in many of our mining localities who are far removed from pasture lands. Under these circumstances it was but natural that condensed and evaporated milk should find an established place in so many of our homes. The people have learned its use with perfect safety and appreciate its wholesomeness. It has become an indispensable part of the family table. Everyone has absolute confidence in its food value. So universal has become its use that last year we consumed approximately 1,500,000,000 pounds of condensed milk.

How can we, then, in view of these facts, permit an imitation milk product which to all appearances possesses all of the characteristics of real condensed milk as to color, taste, and consistency and which requires an expert to make a chemical analysis in order to discover the deception?

Are we going to exercise a rigid supervision over our fresh milk supply by having daily inspectors inspect the milk and determine whether it has been watered or tampered with and whether it contains at least a butter fat of 3 per cent, and then, on the other hand, permit the manufacture of a milk compound that is free of the essential ingredients that we demand in our fresh milk supply? Such a situation is plainly unjust and inconsistent.

These producers of milk compounds would have you believe that they are a great aid to the dairy industry of the country, because they allege that they consume about 200,000,000 pounds of skimmed milk per annum in the manufacture of their product. To my mind nothing could be more absurd than such a contention, for any inferior and deleterious product that is sent forth in the market in competition with the legitimate product is not a stimulus to that industry, but is a serious menace and maliciously destructive. Shall we permit these men to continue to profit at the expense of the Nation's health and the many years of toil and persistent efforts of the dairy farmer? Are we going to hinder the growth and further development of this life-preserving industry? Are we going to stand by the farmer who by great vigilance watches his herd, gathers his milk, and sends it to the market to feed us, or are we going to embarrass him by permitting a fraudulent substitute competing with his real product? Shall we permit the innocent babe to drink this foul and deceptive imitation? It is a most nefarious enterprise, and I trust our action here to-day will put an end to these conscienceless promoters who would build castles of wealth over the dying babe that struggles for life while innocently drinking this concoction of coconut oil while its anxious and loving mother wonders why its little cheeks are falling in and its lifeless limbs appear so withered. Let us stand by the babe of the Nation and the dairy cow. [Applause.] May her marvelous stream of life-giving milk ever flow on in all its purity; may she always continue to impart the God-given gifts as she gathers them in the green pastures amid the sweet-scented flowers and the babbling brook, and in that mysterious way of nature transmit to humanity life, happiness, and a spark of the Divine. [Applause.]

Mr. JONES of Texas. Mr. Chairman, I make the point that no quorum is present.

The CHAIRMAN. The gentleman from Texas makes the point of no quorum. The Chair will count. [After counting.] One hundred and twenty-two Members present, a quorum.

Mr. VOIGT. Mr. Chairman, I yield 10 minutes to the gentleman from Minnesota [Mr. CLAGUE.]

Mr. CLAGUE. Mr. Chairman and gentlemen of the committee, the reason I am in favor of the present bill is that it is going to wipe out a product that is and has been placed upon the market and sold to the people as a food substance known as filled milk, which is a deception, a fraud, and a counterfeit. It is not the natural product. It is made by taking all the butter fat out of the real milk and then putting in the lifeless skimmed milk, a counterfeit substance, in place of the butter fat, and this resembled product, or filled milk as it is called, is an exact imitation of real milk. In many places it has been sold as cream and sold in bulk. I happen to be a member of the Agricultural Committee and had the privilege of hearing all the evidence that was given before the same. During the time that the hearings were held I made a little investigation around the city of Washington for the purpose of finding out whether or not this substitute was sold in the city of Washington. Several of the witnesses who appeared before the committee in opposition to the bill stated that this substitute was just as good as the average condensed milk. Here is a can

of Carnation brand of evaporated milk. I also have before me a can of Hebe, or a substitute known as filled milk. You will observe that the substitute looks the same as the genuine evaporated milk, and if any of you gentlemen can tell the difference in taste or any difference in the appearance, I would like to have you do it.

Mr. RAKER. The Hebe looks a little more like cream.

Mr. CLAGUE. Perhaps it does in this instance, but they ordinarily look the same. As I stated, I made an investigation about a year ago, going to 25 or more stores in the city of Washington, most of them on the outskirts. In all of the stores I asked for evaporated milk, and in at least two-thirds of them they stated that they did not have the Carnation or the Borden brand of evaporated milk but they had a substitute which was just as good. The substitutes were Nutro, Hebe, and other brands of filled milk. In most of the stores the substitute was being sold from 1 to 2 cents lower than the pure-milk brands. I was invariably informed that these substitutes were just as good as evaporated milk, and were just as good for all general purposes. I made an investigation at one of the leading stores on Pennsylvania Avenue and asked for evaporated milk, and the storekeeper stated: "I don't have Borden's or Carnation. I usually carry them, but I have here the Hebe, a substitute, which is just as good for all purposes." It was about that time that the labels on the cans were changed. About a year ago these substitutes did not have on the cans the words, "Do not use in place of milk for infants," but it was printed on the cans that the substitute was good for all general food purposes, and it was sold to the patrons for the use of children and for all food purposes. In many instances I purchased cans of the substitute filled milk, and upon examination I found it impossible to tell the difference between the substitute and the genuine article. The substitute is made the same color, so that the ordinary person can not tell the difference in appearance. The same amount of solids are used in it that the law requires for evaporated milk. It tastes and looks like pure milk. The housewife can see no difference, because it takes an expert to tell the difference between the fraudulent substitute and real milk.

There is the trouble. This substitute is a pure deception, a fraud, and a counterfeit. In these substitutes the whole butter fat is taken out. There is no life-giving substance in it, and therefore if it is not good for infants it is not good for adults.

The gentleman from Virginia said something about its not being good for infants. What is the natural food for infants? All will admit that it is milk. When a mother goes to the store and buys this substitute and it is sold to her as it has been in the past for something just as good as pure milk, that is a deception and a fraud and should be prohibited from being sold.

I made another investigation within the last 10 days in this city, going to most of the stores that I visited about a year ago. I found that I could not buy a single can of Hebe or other substitutes in any of these stores. I went to the same store on Pennsylvania Avenue that I did a year ago and asked for Hebe or a substitute milk, and the storekeeper stated: "My friend, I am not selling it any more." I said, "But you said last fall that it was just as good as the real milk." He stated, "I have learned that it is not and the Government has put it out of business. It was represented to me, when I bought it, to be just as good as the real milk and I sold it honestly, believing it to be so. But I have since found out that it is not."

I went out on Fourteenth Street to some other stores on the outskirts where they have been selling it, and was informed by the various merchants that they did not keep it in stock and were not selling it, that they had found out that it was a fraud and they did not want to impose it upon their customers, and as a result of my visit to 31 stores within the last 10 days I could not purchase one can of this substitute, filled milk, which shows that either the merchants of this city want to do an honest business or that the people have learned that this substitute is worthless and will not purchase the same.

Mr. RAKER. Will the gentleman yield?

Mr. CLAGUE. Yes.

Mr. RAKER. How did the Government put this man in the Pennsylvania Avenue store out of business?

Mr. CLAGUE. Well, the Government did not put him out of business, but the substitute was found to be a deceptive product and the Government put certain regulations in the way of requirements on the labels. People became better acquainted with its being a deception, and no doubt the merchants did not care to handle it and thereby deceive their customers.

Mr. RAKER. The gentleman has poured out in a glass some of this substitute called Hebe and also poured out in the glass a can of the Carnation evaporated milk. The Hebe looks like

delicious cream, and nutritious. I would like to ask the gentleman if there is any nutrition in this substitute?

Mr. CLAGUE. Professor McCullom, who appeared before our committee, says that it has no nutritive value; that a rat fed on it for 60 days would die. You can test these two—one is pure Carnation evaporated milk; the other, Hebe, is a filled milk, a substitute for milk. You will see that the Hebe has a very creamy color and a creamy taste, but is wholly void of butter fat or vitamins. It tastes as good as the finest of milk, but is a fraud in so far as having any nutrition substance. Gentlemen of the committee, there is only one thing about it, and that is that this filled milk is a pure fraud, and the fraud is largely perpetrated upon the ignorant and poor people. The ignorant people in the cities to whom it is sold know nothing of the merits of the same. They are buying it, believing that it is fully as good as the real milk, and supposing that it is good for children and for cooking purposes and that it is legitimate evaporated milk, when, as a matter of fact, they are getting something that contains no life substance whatever. This substitute is being largely manufactured and has tended and is now tending to injure the sale of genuine milk. All legitimate creamery men are opposed to its sale. Our farmers are opposed to the substitute for the reason that it is a counterfeit and a fraud, and I am firmly of the opinion that the great mass of people would not buy it if they understood that it had no nutritive value. I am opposed to the manufacture and sale of these substitutes for the reason that they are valueless as a food product, deleterious, and injurious to the public health.

Mr. JACOWAY. Mr. Chairman, I yield five minutes to the gentleman from Mississippi [Mr. Sisson].

Mr. SISSON. Mr. Chairman, I think there is only one question in this whole proposition for us to consider, and that is whether or not this is a deleterious food. If it is not a deleterious food, even though it does not have all of the food value that good, fresh milk has, then it is nothing less than a crime to stop its manufacture. I say that it is a crime; and I want it understood that I mean that in its length, breadth, and thickness. I do not think there is a more infamous creature on the face of the earth than one who would make either food, clothing, or building materials scarce. All wealth is made up of those three things—food, clothing, building material. Some of the modern political economists add fuel; but, as is said by Smith, fuel produces heat, which is a substitute for clothing and is used to manufacture clothing and to prepare food and building material, and it ought not to be put in as a separate class of wealth. Every human being ought to know that anything which tends to make food, clothing, or building material scarce is an enemy to the human family. The problem in the next few generations is going to be whether or not you will be able to feed the world, whether they will be able to get a proper amount of good food supplies.

Only a few years back it was contended that the tomato, which was then known as the love apple, was poison, and there were men who thought it an outrage to try to perpetrate that horrible food upon the people. If they had had men in Congress at that time that we have here now, there would have been somebody rising up and saying we should pass a law to protect the people against that horrible poison. There is not a reputable physician who has investigated this matter who will tell you that "filled milk" is a deleterious food for man. Not a one. They say it is not good for babies. No. But are you going to stop the sale of breakfast bacon because breakfast bacon is not good for babies? Turnip greens is a good food, but it is not a good food for babies.

A MEMBER. What is that?

Mr. SISSON. Turnip greens. Why, Mr. Chairman, a gentleman who expresses ignorance on turnip greens is not fit to be in Congress. [Laughter.] Those people who come here to-day making a great outcry about this article of food upon the theory that it is deleterious to babies are putting up as much of a camouflage as they say the manufacturers are committing on the people in selling the article itself. They know they do not oppose it because of any such thing as that, but they favor this bill because this food is coming in competition with dairy products. Why not have the nerve to tell the truth about it? Why run around and get experts to come here and say that it is deleterious? You know very well that it is not deleterious. There is not one of you who does not know that it is not deleterious, and yet you want Uncle Sam to come along and protect you against competition. You never give the people who want cheap food a thought. A great many manufacturers of clothing in this country manufacture and sell clothing which they say is all wool and a yard wide and warranted not to run down at the heel, when there is not a single thread of wool in it.

The CHAIRMAN. The time of the gentleman from Mississippi has expired.

Mr. JACOWAY. Mr. Chairman, I yield five minutes more to the gentleman.

Mr. SISSON. Take socks. They are sold all over this country, and stockings, too, as being all silk, and the label on the box says that they are all silk, when there is not a single fiber in them that was not, perhaps, raised down in my cotton patch in Mississippi. It is nothing but mercerized cotton. I see a pair here new, nice-looking socks, with not a line of silk in them—all Mississippi or southern cotton—and yet these same people are in here yelling like a lot of Comanche Indians about this foodstuff not being labeled right. I do not object to your labeling it just as it should be and I am willing to require every article sold to bear a true label.

Mr. CHINDBLOM. What is the label on the can?

Mr. SISSON. Oh, there is too much of it there to read now. It will take up too much time, but I will hand it to the gentleman and let him read it at his leisure. When a contest arises like the contest a few years ago between two baking powders, it is something that is likely to ruin splendid reputations. Two men of national reputation got into a contest over baking powder. The contest was fierce. It came near ruining one administration since I have been in Congress. The Secretary of Agriculture said that one baking powder was good and the other bad, and a certain noted physician took the other side—one saying it was good and the other saying it was bad. In other words, the matter was a conflict between two selfish interests. If one won, he had a monopoly and a fortune; if he lost, he lost all and was ruined. This is the same fight here.

The constituent elements that enter into this compound, under the pure food law, ought to be put on the label on the can. I do not believe it should be necessary to put on there a legend to the effect that it is not good for babies. On the contrary, I think it would be an outrage to put on a legend that it is good for babies. If they want to, let them say that it is not to be used in coffee or for babies.

Under the English law the principle of caveat emptor, which applies in America, does not apply. Caveat emptor is the horse swappers' law in America. It means that when you buy a horse from a fellow you better beware. You buy or swap for him at the end of the bridle. Caveat emptor applies in all of our business, and more frauds have been perpetrated on people in America than in any other country in the world. Ours is the only country on earth where they will not take our samples for the entire contents of whatever package we are selling.

Why, because caveat emptor does apply. My view of the matter is that every State in the Union ought to pass a law providing that whenever one buys a piece of clothing as all wool it ought to be all wool, and if you can prove it is cotton, he ought to be sent to the penitentiary for obtaining money under false pretenses. Our business ought to be straight and square. Here you are endeavoring to destroy a food which no reputable physician will say is bad. Something has been said about rats. Why, bless your soul, you can take rats and give them an exclusive diet of fresh condensed milk every morning and they die as quickly as if you gave them this food in this can. In other words, no man can live on one kind of food. You are not giving the rat half a chance on one food. Corn bread is mighty good, but you can not live on it alone. Man can not live by bread alone. You have to have a little meat—a Chicago beefsteak mixed with it.

The only test here ought to be whether this food is deleterious. If it is not deleterious, I do not care about its food value, whether it is as valuable as milk or not. If it is food and is good food, I say to you Congress is committing a crime, nothing less than a crime to endeavor to destroy its proper use, because the man who makes two blades of grass grow where only one grew before is a blessing to humanity.

The CHAIRMAN. The time of the gentleman has expired.

Mr. VOIGT. Mr. Chairman, I yield three minutes to the lady from Oklahoma [Miss ROBERTSON]. [Applause.]

Miss ROBERTSON. Mr. Chairman, a few moments ago I crossed over to the other side of the House to inquire of gentlemen from North Carolina whether very much of this stuff [holding up the can of filled milk] was used in their State. You remember perhaps that statistics of the late World War showed that of men called to the colors the North Carolina contingent were nearer physically perfect, taller, and more free from disease than those from any other State.

Down in Oklahoma quite a number of our citizens were originally from North Carolina and they maintain this splendid standard. I have never known a North Carolinian who did not insist on good milk and plenty of it.

Just now as I was talking with those two tall North Carolina men over there, who had never made the acquaintance of "filled milk," we exchanged reminiscences of corn bread and buttermilk till we all felt half starved together. Do you know what sort of corn bread and buttermilk we meant? Corn bread made from hard white corn ground in an old-fashioned mill and buttermilk where the whole Jersey or Guernsey milk is put in a stone churn, with a dasher, and allowed to reach just the right point, and then when the butter is taken out after churning little golden flecks of it are left in the buttermilk. Out of pity I stop here without more reminiscences so tantalizing to those of us born and bred in Dixie.

Now, to consider this question by the Bible standard of milk for babies and meat for strong men. The Good Book says "babes have need of milk and not of strong meat," for "strong meat belongeth to them that are of full age." The babies—are you going to feed them this stuff? Shall poor mothers, unable to read the labels, misguided by the looks of the container, and deceived by the retailer, starve the babies? I have used quantities of these milk substitutes in cooking. They make very good custards, the richness of eggs supplying to a sufficient extent the butter fat that is removed. In the same way they make very good gravies and very good sauces, where fats and thickenings are used in preparing food for grown people. But they are not fit for babies.

Shall we starve babies in America for commercialism? Piteous appeals come to us all the while for the starving children of other lands, to send preserved milk to children in the Near East, to children in Russia. I am positive no filled milk is sent from America to them. Did you ever think of comparing pictures of these starving children with pictures that might be shown of the helpless little children among the poor people of our great cities, who must depend upon the corner grocery and the tin can for food, whose mothers can not read the label on the can? Think of the babies whose mothers can not give them that wonderful sustenance—breast milk—and must give them instead some other food.

I think, too, of the Indian mothers of our country whose lives are so changed since to many of them a "farce" of civilization came, by which, instead of the old free, outdoor life, with its nature-provided food, they now have the same insidious dangers in the unbalanced foods of so-called civilization to meet, and their dark-eyed babies must be starved, too, the doomed race sooner passing away. Perhaps the greatest number of babies of any one class to be affected are the negro babies of the South.

There are so many would-be reformers in these days who are trying to push the legalizing of birth-control teaching. The sale of this milk should appeal to them, for surely it will dispose of many thousands of "unwanted babies"—not unwanted by their mothers, but unwanted in America, if we may believe the advocates of birth control.

I realize that in this bill there are very dangerous complications so far as possible infractions of the Constitution may be involved. I am not one who would do away with all substitutes. As I have said, filled milk will do for food for adults, but not for babes. For instance, from the vegetable oils of our great Southland, from cotton seed and from peanuts, there come some of the best foods in the fat elements necessary for balanced diet that are available. For many years we paid fancy prices for our peanut and cottonseed oils which journeyed overseas, as many good Americans go, to return with a foreign title, and receive an immediate recognition, where before their value had not been considered.

Even further north, in the corn belt, we have unexcelled vegetable oils that we find may be used more wholesomely than the same grains produced metamorphosed into animal fat by way of the hog.

So I do not wish to be understood as objecting to the sale of substitute products except where we shall starve our babies. I am speaking not as a wise interpreter of the Constitution or of commercial law, but as one who would call attention to the need, if it can not be done by national legislation, of State regulation that will care for the babies.

Mr. VOIGT. How much time have I remaining?

The CHAIRMAN. The gentleman has 14 minutes remaining.

Mr. VOIGT. I yield to the gentleman from Ohio [Mr. CABLE].

Mr. CABLE. Mr. Chairman, I ask unanimous consent to extend my remarks in the Record.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

The extension of remarks referred to are here printed in full as follows:

Mr. CABLE. Mr. Speaker, the result of the new 3 per cent restrictive immigration law is startling. In the last fiscal year without this law in force the net increase of immigration was more than one-half million. For the first nine months of the present fiscal year, operating under this 3 per cent law, the net increase is but 80,000. Strange to say, this increase consists entirely of women and girls. The male immigrant aliens admitted do not equal those who have departed; the female immigrant aliens admitted exceed in number those who departed by the 80,000.

The laws of the United States should be amended to permit these women to become citizens of the United States. In addition, there are more than two and one-fourth million female aliens 21 years and upward in the United States who are not naturalized. Under our law any woman who marries a citizen of the United States and who might herself be lawfully naturalized automatically becomes a citizen. This citizenship by marriage may be acquired without the woman being able to speak our language, without a study of our Constitution, and without even appearing in court and renouncing allegiance and fidelity to her foreign ruler, and without taking the oath of allegiance to the United States. Naturalization papers may be legally filed by an unmarried woman who is otherwise qualified, or by the widow of a foreign-born person not naturalized, but not by a woman during the existence of her marital relation.

I have introduced a bill granting to married alien women the independent right to be naturalized. A naturalization proceeding is an education in our language, laws, and form of government. The mother is best qualified to teach her children the true meaning of America and what it stands for. Married women, in my opinion, should have the independent right to be naturalized.

The last amendment to our Constitution provided that the right to citizens of the United States should not be denied or abridged by the United States or by any State on account of sex; but under the present law alien married women are denied the independent right to naturalization and the equal suffrage that goes with it unless they are naturalized through the naturalization of their husband.

Our law also provides that an American woman who marries a foreigner shall take the nationality of her husband, and that at the termination of the marital relation she may resume her American citizenship, if abroad, by registering as an American citizen within one year with a consul of the United States or by returning to reside in the United States; or, if residing in the United States at the termination of the marital relation, by continuing to reside therein.

The bill I introduced also provides that a woman citizen of the United States who hereafter, being then a resident of the United States, marries an alien who may be lawfully naturalized shall remain a citizen of the United States so long as she continues to reside therein, unless she makes formal renunciation of her citizenship before a court having jurisdiction over naturalization of aliens. If at the termination of the marital status she is a citizen of the United States, she shall retain her citizenship regardless of her residence. If during the continuance of the marital status she resides continually for two years in a foreign State of which her husband is a citizen or subject, or for five years continues outside the United States, she shall thereafter be subject to the presumption that she has ceased to be an American citizen.

The fact that a woman is married should be no reason to deny her the right of citizenship in the United States through naturalization proceedings if she is an eligible alien. Marriage of a citizen of the United States to a foreigner should not of itself terminate her citizenship. The laws of our country should grant independent citizenship to women.

Mr. VOIGT. May I ask whether the opposition has used up all of its time?

The CHAIRMAN. The gentleman from Arkansas has 15 minutes remaining.

Mr. VOIGT. I would like the gentleman from Arkansas to use some of his time.

Mr. JACOWAY. I think the argument on this side is concluded.

Mr. HARDY of Texas. I would like to take two or three minutes.

Mr. JACOWAY. I will yield the gentleman five minutes.

Mr. HARDY of Texas. Mr. Chairman and gentlemen of the committee, I do not know that much can be added to the argument, but it seems to me the lady from Oklahoma a moment ago supplied an argument against this bill instead of for it. She is for the babies. So am I. But I believe that all legislation that enhances the cost of better milk puts an obstruction in

the way of the poor parent who wants to get pure milk for his baby. Now, if by this legislation you destroy any competitor of this article that might enter into competition with the milk producer, the dairyman, and thereby reduce the price of real milk, you will help put out of the reach of the poor parent the opportunity to buy cheaper milk. Here is this product that comes in competition and has the tendency to cheapen the price of real milk. Every time you drive a competitor out of the market you enhance the price of genuine milk. And this commodity has printed on the label of it that it is not good for children or for babies. Consequently nobody is being fooled. So that the only effect of this bill is by destroying competition you enhance the price of the baby's milk, and that, I take it, is the purpose of the bill.

I am as much opposed to any fraud as anybody on this floor can be.

If this was presented to the people as milk, if it did not carry on its face the warning that it is not good for babies, then I would be in favor of some bill requiring it to be so stamped. But I tell you that when the Congress lends itself to the putting out of the way of certain industries in any competition, we are stooping to a small business and to a purpose that in the end will return to plague us, for we do not know how soon it will be when your section or mine—and I am not interested in this matter—may have some product that is harmless but good for some things and not for others, and it may come in competition with something else that wants to drive it out of the market. And it is evident to me, from what I have heard, that the dairymen, wanting to raise the price of their commodity, want to get rid of a competitor that helps to reduce the price. Here is a competitor stamped on its face that it is not good for babies, can not be abused, can not be a fraud, sold on its merits for what it is worth, and the lady from Oklahoma says it is good for pies and custards; so why not let the public have it for that purpose? Why not let the man who uses it have it?

I have eaten coconut butter. I do not know whether or not it was good for sustenance, but I ate it when I could not get good butter, and really I preferred it to some butter. I do not think anybody should have the right to come in and say that if I wanted to eat it I should not have the right to eat it. If it is harmful and poisonous, forbid it. But nobody has said this substance we are driving out is harmful, and the label carries what it is on its face. It seems to me that we are aiding one producer against another producer when by the laws of equity and our own ideals of fair play in this free country we ought not to do it. It looks to me as if we were going outside of the proper function of government, whether it is constitutional or not, and therefore I do not think this bill ought to pass. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. VOIGT. Mr. Chairman, I yield to the gentleman from New York [Mr. REED].

Mr. REED of New York. Mr. Chairman, there are two points which I have considered of controlling importance in urging the enactment of the Voigt bill. One is the self-evident fact that every manufacturer of the compound of skimmed milk and vegetable oil as coming under the definition of filled milk written in this bill, seeks to market his product just as nearly in the form and semblance of milk as is possible. I am not satisfied to give a clean bill of health or a clean bill of business morals or ethics to any business which seeks to make a financial profit out of a traffic of this self-evident counterfeit character. I have several good-sized cities in my district and I know that this product is being sold generally in the stores in those cities, and it is my belief that it is being sold generally for what it is not and that the purchasers generally think they are getting milk or something as good as milk, and the evidence which has been presented to the House Committee on Agriculture and the House Ways and Means Committee convinces me that this product is not as good as milk and ought not to be permitted to be sold. The man, woman, or child who goes to a store to purchase milk should be protected against any attempt to foist on them a substitute that does not contain the nourishing elements of genuine milk.

The second fact is that the public does not understand that there is a surplus of farm products in this country and that the production of farm products can not be controlled by closing the factory door and sending the workmen home until there is a shortage to bring up the prices. The farms must be operated, and I take it that it is one function of the Congress of the United States to aid in every possible way to improve the marketing conditions and add to the market for the products of the farms. The chief agricultural product of my district, excepting a small section, is milk. Milk for fluid milk consump-

tion, milk for the manufacture of butter, and milk in a much smaller way for the manufacture of cheese. I know that these farms must keep on producing. The importance of the continued prosperity of these dairy farmers is so great, not only to themselves and their families but to the business interests of my district and the country, that I know that I am justified in thinking of the larger importance of improving the market for milk in supporting this measure.

Mr. JACOWAY. Mr. Chairman, I yield one minute to the gentleman from Virginia [Mr. TUCKER].

Mr. TUCKER. Mr. Chairman, I rise merely to put in the Record a suggested amendment.

The CHAIRMAN. The gentleman asks to have the Clerk read in his time an amendment for information. The Clerk will read.

The Clerk read as follows:

Amendment by Mr. TUCKER: Page 2, line 11, strike out the words "or to ship or deliver for shipment in interstate or foreign commerce."

Mr. VOIGT. Mr. Chairman, I yield three minutes to the gentleman from Wisconsin [Mr. BROWNE].

Mr. KINCHELOE. Mr. Chairman, I make the point of order there is no quorum present.

The CHAIRMAN. The gentleman from Kentucky makes the point of order there is no quorum present. The Chair will count. [After counting.] One hundred and nine Members are present—a quorum.

The gentleman from Wisconsin [Mr. BROWNE] is recognized.

Mr. BROWNE of Wisconsin. Mr. Chairman, one-fifth of the Nation's food supply comes from dairy products, and it is, of course, important that these dairy products are pure and not adulterated. What do the filled-milk people do? In the first place, they extract the butter fat, the cream, the valuable vitamin product, out of the milk and leave the milk absolutely without nutrition to speak of. And this substitute for milk can not be detected by any person except a chemist upon examination.

Now we know that throughout the United States to-day, in every State that has not outlawed it, they are selling filled milk, and the majority of people who are buying it think it is pure milk with the valuable life-giving, growth-producing vitamin product contained in it. Even the Government of the United States was deceived and defrauded in the State of Ohio during the war, when it bought two carloads of condensed milk for boys at Camp Willis and they thought it was pure, unadulterated milk, when it turned out to be filled milk. So our boys were being fed a product to build them up and make fighting men of them that did not contain enough nutrition even to support the life of a rat, as was shown by Professor McCullom's demonstration.

The filled-milk industry is growing very fast. In 1917 we produced only about 35,000,000 cases of filled milk, and in 1921 we produced 86,000,000 cases of this filled milk, and if we continue at that rate it is going to drive legitimate manufacturers of full condensed milk out of the market, as several of the large manufacturers have said, among them the Borden people. It is also going to substitute the coconut cow for the Jersey or the Guernsey or the Holstein cow. You can manufacture this filled milk, as the evidence shows, for 2 cents a pound can. Think of it for a minute! And you can place it on the market and make it an object to the retail dealers to sell it a good deal cheaper than they can sell the other milk, and, of course, they will make a larger profit. Therefore many retailers are substituting filled milk for whole milk. In the State of Wisconsin, where they made an investigation in preparing their case for the Supreme Court, they found in 15 cities 65 cases of fraudulent sales of this milk.

Mr. WALSH. Mr. Chairman, will the gentleman yield?

Mr. BROWNE of Wisconsin. Yes.

Mr. WALSH. Where do the manufacturers get this skimmed milk?

Mr. BROWNE of Wisconsin. From the farmer.

Mr. WALSH. The very man that is in favor of this legislation.

Mr. BROWNE of Wisconsin. They buy the full milk of the farmer and extract the cream and sell the cream and keep the by-product, the skimmed milk, and add the coconut oil in place of the cream. A law prohibiting the sale or manufacture of filled milk was sustained by the supreme court in the State of Ohio. The case went to the Supreme Court of the United States, and the highest court in the land sustained the State law. [Applause.]

Mr. Chairman, I am in favor of this bill to prohibit the manufacture of filled milk in the District of Columbia or its shipment in interstate or foreign commerce.

I favor this bill because it will protect the public from a counterfeit that when used in place of milk will undermine health, especially the health of children.

The public is unfamiliar with the term "filled milk." It is an imitation of condensed or evaporated milk. It is made by robbing milk as it is taken from the cow of its butter fat or nutritive value. In other words, the cream is skimmed off and coconut oil or peanut oil, or buttermilk and soda is substituted. The milk is then made into condensed or evaporated milk and sold in competition with condensed or evaporated milk made from the whole milk with its butter fat and its valuable and life-giving vitamin ingredients. This compound, which is known as filled milk, is a perfect physical imitation of pure evaporated milk, and it is impossible for anyone except a chemist to tell the difference between pure evaporated milk and the filled milk containing 6 or 8 per cent coconut fat in place of cream or butter fat, which has been extracted from the milk and sold.

Second, I favor this bill because it places the dairy farmer in unfair competition with the manufacturers of a product which no one except a chemist can tell from the original, and which can be manufactured at one-fifth of what it takes to produce the genuine article.

#### MANY STATES HAVE OUTLAWED FILLED MILK.

Already 11 States, representing a total population of 31,330,197, have passed stringent laws prohibiting the sale and manufacture of filled milk within their territory. These laws passed by the States have been bitterly contested, both in the legislatures and the supreme court of the States. So far as this legislation involving the constitutionality of the laws prohibiting the manufacture and sale of filled milk has been tested in the courts, the law has been sustained.

In a recent case in Wisconsin, which is now under advisement by the supreme court of that State, the referee's report dealt chiefly with the product Hebe, manufactured for the Hebe Co. by the Carnation Milk Products Co. This brand of filled milk is one of the six or seven leading brands of skimmed-milk compounds. The referee who reported on the Wisconsin case found from the evidence that this brand of filled milk was not a desirable or proper food for infants nor was a complete substitute for milk.

Ohio passed a filled-milk law which was upheld by the Supreme Court of the United States in the case of Hebe Co. et al. against Shaw, Secretary of Agriculture of Ohio, et al., reported in volume 248, United States Reports, page 297, sustaining the Ohio law, which forbids the sale, and so forth, of filled milk.

Doctor McCollum, of Johns Hopkins University, a very high authority on the subject of nutrition, testified before the Agricultural Committee that the vitamins that are absolutely necessary to promote growth in the human body are found most abundantly in butter fat, and that milk is the chief article of food relied upon for vitamins; that there is no effective substitute for milk; that filled milk is almost entirely lacking in vitamins. Doctor McCollum was corroborated by Dr. E. B. Hart, of the University of Wisconsin, another authority on the subject. Professor Hart says in his testimony that at least 90 per cent of the fat soluble vitamins of the whole milk is removed in the modern commercial skimming process.

Filled milk is sold under the various trade names, such as Hebe, Carolene, Enzo, Silver Key, Nutro, Nyko. These imitations are put up in the same size cans as regular condensed milk and are advertised by retail dealers as evaporated milk. In five cities there were 340 separate advertisements by 53 retail groceries of these brands of filled milk.

In the case now pending in Wisconsin it was shown that there were 65 instances of fraudulent sales made in 16 different cities in Wisconsin.

#### NO REMEDY EXCEPT BY PROHIBITING F.A.E.

It has been thoroughly demonstrated that imitation milks, with their history of misrepresentation and their unquestioned inferiority in nutritive value, can not be made safe for the public by proper labeling but must be prohibited altogether. Filled milk has been shown to be of an inherently fraudulent nature.

It has been put out as a substitute for the product for which it is a perfect physical imitation. It has been shown to be sold at retail and advertised by retailers in a fraudulent manner. It is not only an imitation and a substitute of a most important food that has been supplied by nature for the use of mankind, but it is pronounced by chemists and authorities on nutrition as an inferior imitation and lacking in nutritive value, which brings its manufacture and sale into vital relationship with public health.

## EXTENT AND SALE OF FILLED MILK.

The Bureau of Markets shows that the sale of filled milk in 1917 increased from 35,031,902 cases to 86,561,000 cases. In 1920, 8,000,000 pounds of coconut fat were used in the manufacture of filled milk, taking the place of as many pounds of butter fat or cream. Some of the largest manufacturers of evaporated milk in the country state that unless Congress and the several States do something to stop the competition that they will have to go into the business of manufacturing filled milk or go out of business.

## WILL EVENTUALLY RUIN THE DAIRY INDUSTRY.

Besides the amount of filled milk that is sold in this country, we are exporting large quantities. In 1919 we exported 850,865,414 pounds of full or unadulterated condensed milk, while in 1920 we only exported 414,250,021 pounds, or less than one-half of the amount. In the last few years the amount put out of filled milk has grown over 5,000 per cent, and the manufacturers of filled milk admit that the business is only in its infancy. The obtaining of milk from the coconut cow is a cheap process compared with producing milk from the Jersey, Guernsey, or Holstein.

The cost of a quantity of skimmed milk and coconut fat sufficient to fill 48 cans of filled milk is a little over 80 cents, or less than 2 cents per pound can. The retail price of 1-pound cans, which cost the producer 2 cents, sells for from 10 cents to 12 cents per pound. Thus the manufacturers of filled milk can sell their product below the cost of production of the unadulterated milk and make an exorbitant profit.

## IMPORTANCE OF DAIRYING TO THE PEOPLE.

Dairying is engaged in by over one-half of the farming population of the United States. The milk produced in 1919 in the United States had a cash value to the producer of more than \$2,000,000,000.

The dairy industry is connected more closely with the lives and health of every community and the national welfare than any other. The milk supply of every community is of vital importance to the health, happiness, and welfare of that community. Dairy products furnish the people with one-fifth of their food, and its bearing upon human health, particularly of children, has not been adequately appreciated, as indicated by the experience of the late war.

Herbert Hoover, who as head of the Relief Committee of Europe had great opportunity to observe the beneficial effects of milk as food, says:

In its broad aspect, the proper feeding of children revolves around the public recognition of the interdependence of the human animal upon its cattle. The white race can not survive without dairy products.

## FOOD VALUE OF MILK.

The State Board of Education and the Superintendent of Public Instruction of California made one of the most thorough investigations of the nutritive value of milk. This test was made in the schools of Los Angeles and the report was summarized as follows:

## MILK.

- Increases body weight.
- Increases rate of growth.
- Increases physical skill.
- Increases mental alertness.
- Increases rate of school progress.
- Increases resistance to disease.
- Increases social adaptability.

Outstanding among the facts in this survey are the following:

Four and thirty-eight one-hundredths per cent of the children receiving no milk were found to be over the average graduation age, while only 1.38 per cent of the milk-using children who received 1 pint daily were over this age.

Eight and eight hundred and two one-thousandths per cent of the children receiving 1 pint or more of milk a day were ahead of their normal grade.

Seven and eight hundred and seventy-nine one-thousandths per cent of the children receiving one glass of milk a day were ahead of their normal grade.

Milk-using children can be forced in their school work with less ill effect upon their height and weight than nonmilk-using children.

There are two milk-drinking children ahead of their normal grade for each nonmilk-drinking child. (Report of the California School Milk Survey.)

## LEGISLATION CONSTITUTIONAL.

This bill if it becomes a law would be clearly constitutional. Its constitutionality could be sustained, first, on the theory of prevention of fraud and deception; second, on the theory of the preservation of public health; third, the law can be sustained on the theory of the protection of the great dairy industry from irreparable injury. This would be for the benefit of the public or public welfare.

The Supreme Court can sustain this law much easier than in the case of the trading-stamp laws. The Supreme Court upheld the Florida law prohibiting the shipment out of the State of immature citrus fruit on the theory that it was within the police power of the State to prevent the shipment from the

State of fruit, which would bring discredit upon the fruit-growing industry of a State.

It certainly is equally within the power of a State or the United States to prevent the milk it produces from being robbed of its butter fat and vitamine properties and manufactured into an inferior imitation of real milk and sent out to prejudice and unfavorably advertise the great dairy industry.

In the case of Hebe Co. et al. v. Shaw, Secretary of Agriculture of Ohio, et al. (Report, vol. 248, U. S. Repts. p. 297), the Ohio law was sustained, which forbids under criminal penalty the manufacture, sale, and so forth, of condensed milk unless made from unadulterated milk from which the cream has not been removed and in which the milk solids are equivalent to 12 per cent crude milk and 25 per cent fat.

The court held in this case:

We are satisfied that the statute as construed by us is not invalidated by the fourteenth amendment. The purpose to recommend a certain minimum or nutritive element and prevent fraud may be carried out in this way even though condensed, skimmed milk and Hebe should be admitted to be wholesome.

[Applause.]

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. BROWNE of Wisconsin. Mr. Chairman, I ask unanimous consent to revise and extend my remarks.

The CHAIRMAN. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. JACOWAY. Mr. Chairman, how much time have I remaining?

The CHAIRMAN. The gentleman has 10 minutes.

Mr. JACOWAY. I yield five minutes to the gentleman from Arkansas [Mr. WINGO].

The CHAIRMAN. The gentleman from Arkansas is recognized for five minutes.

Mr. WINGO. Mr. Chairman, this effort to destroy the market of the American farmer for one of his products naturally evokes a protest from any man who is a real friend of the farmer.

I was surprised at the remarks of the lady from Oklahoma [Miss ROBERTSON]. She made two arguments that were contradictory. She is an expert on custards. She knows something about custards, and she asserted that she had used this product you propose to outlaw in the making of custards, and stated that it made good custards.

Miss ROBERTSON. Yes; but when I made that statement I did not say that I would recommend that those custards be fed to babies.

Mr. WINGO. Yes; I have raised babies, but not on custard. I am very fond of custards. If I want to use this product to make custards, why should the lady object? Why should she vote to prohibit the shipment of this product to me, so that I could put it in custards? I have raised babies, and I know something about babies. If a man who will go home and assume that his wife does not know anything about raising babies when she has told him to go and buy some milk for the baby and he brings home condensed milk for the baby, just see what happens. [Laughter.]

Let your wife tell you to bring home some milk for the baby and you take home Carnation or any other brand of condensed milk, if she has any intelligence as regards the quality of food and knows about the proper raising of babies she will give you such advice that you will not make the same mistake another time. [Laughter.]

Gentlemen, you are piling law on law. The rule is clear that Congress has the right to protect people in certain ways through interstate commerce regulation. If there is anything that is misbranded or concerning which there is a fraudulent misrepresentation you have the right, and you have the power to exercise that right, to bar it from interstate commerce. If this can here be fraudulently branded, or a merchant on Fourteenth Street makes the representation that a Member quoted, he can be indicted under the laws of the District of Columbia and under the laws of every State in the Union. You have law now to punish the very fraud they complain of in every State in the Union, including the District of Columbia.

Now, I know that the theory of the modern socialist and Bolshevik is that the proper function of government is to stand at the elbow of men and women, stating what is good for them to wear and what is good for them to eat, and making the choice of their food. That is the modern theory. But, gentlemen, you do not raise strong men like those from North Carolina, to whom the lady from Oklahoma [Miss ROBERTSON] referred, by having the Government stand by and, through its agents, dictate to them what they shall eat. On that basis you would have a right to say whether a mother should dress a baby in red

flannel or in cotton. As for me, I do not propose to let anybody else tell me what kind of clothing I shall put on my child or what kind of food I shall furnish to him.

Gentlemen, I repeat, that if you misbrand this can, you have already a law upon it. If the groceryman says it is milk and represents it as having the same quality as milk, he could be indicted in my own State and in every State in the Union. You know the modern theory about States and communities—

Mr. LOWREY. Mr. Chairman, will the gentleman yield?

Mr. WINGO. I will ask the gentleman not to interrupt me now.

That modern theory is that the States and the local communities and even the parents themselves can not be trusted; that you must have a Federal law and Federal officers to guide and to protect them. If you can pass this kind of a statute there are 100 other propositions that people object to, and they can come in and ask Congress to bar those articles from interstate commerce. There is another substitute that the lady from Oklahoma [Miss ROBERTSON] is friendly to. I do not remember the name of it now. I prefer it to whipped cream. I think it is better. A good many ladies prefer it. Yet it is not whipped cream. She would bar that from interstate commerce. Why, if you follow this to its logical conclusion you set up the judgment of the lawmakers as to what food is good for men and what food is bad. It is not a question of poisonous substances. It is not a question of things that are admittedly dangerous to public health in a general way. It is admitted that this is a good substitute for some things. [Applause.]

The CHAIRMAN. The time of the gentleman from Arkansas has expired.

Mr. VOIGT. I yield three minutes to the gentleman from New York [Mr. FISH].

Mr. FISH. Mr. Chairman, representing one of the largest milk-producing districts in the United States, a district that supplies a large part of the milk consumed in New York City, I want to urge the immediate enactment of this legislation to prohibit interstate commerce in filled milk. The dairymen in our section of the country are eking out a very precarious living. The gentleman from Texas seems worried about the price of milk. If you permit imitations to be passed off for condensed milk, you are wiping out one of the main by-products of the milk producers, and of course if you do that the price of milk is bound to go up or the dairy industry will be wiped out. In our section dairymen average possibly \$500 or \$600 a year net profit, with the whole family working from 12 to 14 hours a day. They have big investments in stock and buildings, and besides working long hours incur a big risk from disease and the chance of losing their entire herds. During the war the milk industry in competition with the shipbuilding and other war industries which paid high wages was almost wiped out. The herds were reduced because of the impossibility to secure farm hands or to pay the prevailing rate of wages, yet the price of milk remained approximately the same.

The question is simply this: Is the production of milk an essential industry or is it not? Should we protect essential industries? That is what the dairymen are asking for here. This filled milk is not a fraud. It is simply a perfect imitation of condensed milk. In fact, it is exactly the same as condensed milk, except that it is without nutrition and has no value as far as feeding babies is concerned. This essential industry comes here asking protection, not from frauds, but from such imitations and substitutes. Why, this Hebe compound might just as well be chalk and water as far as benefiting the children of this country. We all know that there are thousands and tens of thousands of mothers who can not tell the difference, who can not even read, and who buy this filled milk because they think it is the same as condensed milk. It is exactly the same in appearance, and vast numbers of the women of this country use it for condensed milk. We ask this protection of an essential industry, for the protection of hundreds of thousands of children of this country and the consuming public. [Applause.]

(Bill passed House May 25, 1922.)

The CHAIRMAN. The gentleman from Wisconsin [Mr. VOIGT] has seven minutes remaining and the gentleman from Arkansas [Mr. JACOWAY] four minutes remaining.

Mr. ECHOLS. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from West Virginia asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

The extension of remarks referred to are here printed in full as follows:

Mr. ECHOLS. Mr. Speaker, I am opposed to the pending bill for three reasons:

First. It will increase the price of wholesome milk to the consumer and add to the taxation of the country.

Second. It is a violation of the Constitution.

Third. It is the most vicious sort of class legislation.

I shall not undertake to discuss the first, for the simple reason it is self-evident if we destroy competition in any commodity and increase the number of Government employees, the cost of the commodity and taxation will go up.

As to the second, I shall only say if Congress has the power to prohibit the transportation in interstate commerce of a food product, although that food product is inferior in quality to some other product of a similar nature, it likewise has power to prohibit the transportation of an inferior grade of coal or lumber for the same reason. However, there is nothing to show that "filled milk" is injurious to the health of the individual. It may be that it is inferior in quality to pure fresh milk, but that is not a reason for prohibiting its manufacture and sale in the District and our possessions or to prohibit its transportation in interstate commerce.

The advocates of this bill are far from harmonious in their statements relating to this product. One advocate [Mr. KNUTSON] in his argument says:

The bill seeks to put a stop to a flagrant fraud.

Another [Mr. FISH] says:

This "filled milk" is not a fraud.

There is, of course, no fraud. Every can of this product has plainly stamped thereon the contents of the can. To defraud is to deceive. No one can be deceived when he is plainly told what he is buying. But they say it is not good for babies. That may be so; neither are cucumbers, raw turnips, and a hundred other food articles; but that is not a reason for prohibiting their transportation from one State to another. All such legislation as this bill proposes is asked for on the ground of public welfare. It has no merit, so the baby is made the excuse to bring it support.

The whole purpose of this bill is to put the manufacturers of "filled milk" out of business because their product comes in competition with the dairymen of the country. "Filled" or condensed milk is the only semblance of milk that can be obtained by hundreds of poor people in the industrial sections of the country. If they are deprived of the right to purchase "filled milk," then they are deprived of the right to purchase any sort or semblance of milk whatever. If this bill becomes a law, the price of milk will go higher than it now is, and the poorer classes of people who can buy it now will not be able to reach it at all then. It is the most vicious piece of legislation that has been considered by the House of Representatives in the three years that I have been a Member.

If "filled milk" is injurious to the health of the people who use it, then there is a law in every State in the Union to punish those who sell it. The people in the Tropics use as one of their principal articles of food the products of the coconut. We here use coconut butter, and many people are very fond of it. No one, so far as I am advised, has ever been told that it is injurious to the health of the user.

The State legislatures and the Federal Government are passing annually some 15,000 statutes, and the courts of the country are rendering annually more than 15,000 opinions in an effort to interpret and apply these statutes. It is next to impossible for the individual possessed of even more than ordinary intelligence to understand and comply with the already too numerous laws. This piece of legislation will but add to the difficulties, and in the end result in nothing but additional litigation and cost burdens. There are now several hundred—some one has said more than 700—boards, bureaus, committees, commissions, departments, and so forth, here at the seat of the Government. Each one adds to the burden of taxation. Many of them are wholly useless, and some of them are even dangerously harmful. Some appointed to perform a specific duty which could have been performed in a short time have been in existence more than a hundred years and still are asking for appropriations and doing nothing.

This bill will add another to the list. Most of these boards, bureaus, commissions, and so forth, are the result of class agitation and class legislation. It has become very common for a few individuals, when not satisfied with things as they are, to insist upon the appointment of an investigating board, to be followed by a special measure peculiarly applicable to their particular grievances creating some new governmental agency to administer that law. Instead of forecasting the ultimate result of such legislation and making laws applicable to all the people, we have grown into the habit of passing laws applicable to classes; and the result is so confusing and works such manifest injustice we try to escape from one confusion by enacting



another statute that will have no good result but will add to the hopeless confusion we are now experiencing. The people of the country are weary of so much legislation that they do not understand and could not comply with if they did understand it. All of these difficulties give the paternalist and the demagogue a chance to propose some new "ism" or "scheme" promising relief. Words without number have been spoken in the last few years on nationalization of the industries of the country under the guise of public welfare, most of which were without thought and dangerous. Only recently the head of a great organization advocated the nationalization of the coal mines, but without any explanation of what such nationalization would mean. Nothing to show that coal would be produced and sold to the consumer cheaper than it is under the present system; nothing to show that the laborer who mines the coal would receive a greater compensation for his services than he now receives. We had a temporary nationalization of the railroads, from which we have not recovered and will not for the next quarter of a century.

Every time Congress passes an act providing for class legislation or class preferment, the darkness of the clouds that hover over this Republic become a little more dense. If the history of the world has settled any one fact, it has settled the fact that any government that tries to run everything will soon find itself upon the rocks. Any government that permits itself to be led into the realms of passion and hatred where it does not require its citizens to recognize the rights of others; where it legislates wholly in the interest of one class to the detriment of another, as this bill does, will soon find itself in the position of being unable to protect the life of its citizens. Any class of men that does not recognize the rights of others to carry on a legitimate business, although it may come in competition with their business, is a dangerous class to trust the control of the Government to.

There is nothing new in the fallacies and the "isms" proposed by the paternalist or the demagogue of to-day. All of them were tried centuries ago. They prate about democracy, talk about social justice and self-determination, and yet no one has ever been able to tell us what social justice is or where self-determination is practicable. Russia, with her starving millions, is the latest example of "self-determination" and class preferment. The present régime has brought more suffering to the people of that great land of opportunity and wealth than all the Czars who have reigned throughout the ages. The terror, crime, and hatred in Russia to-day surpass that of any other country in all history. Russia is a government without law, and a government without law is despotism; yet we were told by the Bolshevik and the Socialist that when the present régime in Russia started it was the fulfillment of the dream of the ages. Our country is drifting into a realm of paternalism where the Government proposes to stand guardian for the individual. No effort upon the part of the individual to protect his own rights and maintain himself is required. The pending bill is another step in the direction of socialism. It undertakes to say that the Government will take charge of individual judgment, tell the people what they must eat, whether the food they eat is wholesome or not, or whether it is to their liking. I am just as unwilling to force the individual to use "filled milk" as I am to deprive him of the privilege of using it. It is going a long way for the Government by a mere fiat of legislation to say to the public that a certain article of food shall not be used by them, although there is nothing injurious to the health of those who purchase and use it. This bill is class legislation run mad. If this sort of legislation is to be continued, then no concern can safely engage in manufacture of any new product whatever. If it should do so and that product should come in competition with the product of some other class more numerous than the one to which it belongs, it could expect the Congress to come along any minute and by mere legislative declaration, as was stated by the gentleman from Iowa [Mr. TOWNER] in proposing his amendment, which declares "filled milk" is deleterious, prohibit the sale of its product in the District of Columbia and our possessions and prohibit the transportation thereof in interstate commerce.

Mr. VOIGT. I yield two minutes to the gentleman from Michigan [Mr. KETCHAM].

Mr. KETCHAM. Mr. Chairman and members of the committee, during the three hours of general debate all angles of this question of the sale of a fraudulent substitute for milk have been presented very ably and earnestly, and we are greatly indebted to Members who have been to such great pains to arrange and present the many logical reasons for the passage of this bill.

Before entering on debate under the five-minute rule it may be helpful, however, to correct a few false impressions that have been left by some of the proponents of the measure.

The distinguished member of the committee from Louisiana [Mr. ASWELL] in the course of his argument led you to believe that the manufacture of this bogus milk product would make a great market for separated or skim milk. Do the manufacturers of this product buy separated or skim milk from the producers and then by the addition of the vegetable oil make up this fraudulent article? Nay verily! The overwhelming percentage of their purchases from the farmers is whole milk. The butter fat is extracted and vegetable fat substituted, thus making a profit both ways. One company in 1919 purchased 97.2 per cent whole milk and 2.08 per cent skim milk from which to make its bogus product. In 1920 this same company purchased 94.3 per cent whole milk and 5.7 per cent skim milk for the same purpose.

It must not be forgotten that the foundation of this fraudulent article is milk, and that every pound of it that is placed on the market displaces just that much wholesome product. Suppose that all whole milk were made over into this bogus article. Would the sum total of milk be increased? To urge such an argument is but to show to what extremes the opponents of this helpful legislation are forced to go in their attempts to defeat it. No, Mr. Chairman, the opponents of this bill can not justify themselves in urging that by turning whole milk into filled milk they are increasing the food supply. The dairy cow regulates that matter, and while the eloquence of the gentleman in opposition to this law may be very persuasive here, it does not inspire the dairy cow of the country to give one additional quart of milk.

The real purpose in this bogus milk game is to make money, not to prevent food waste. How is it done? The butter fat that sells for 35 cents per pound is extracted and vegetable fat costing 12 cents per pound is substituted. This bogus product is then put up in identical shaped cans and is sold upon the reputation of real milk.

The distinguished gentleman from Louisiana [Mr. ASWELL] further pleads for this bogus milk on the score of its cheapness and consequent advantage to the poor. Important if true. Let us see: First, let us look for a moment at the testimony of Mr. McKee, a representative of the Hebe Co., on page 8 of series H, part 1 of the hearings. He says that the price per can is 2½ cents less for filled milk than for condensed milk. The cost to the retailer is evidently much lower per case. How about the customer? I present for the information of the committee in this connection a group of photographs of both condensed and filled milk actual sales with the price mark clearly indicated in each case. Three cans of each appear in the first picture. The three cans of filled milk total 19 cents, the three of evaporated 20 cents. One-third of a cent per can less for a bogus product whose representative testifies that its cost is 2¼ cents less. Here's another—nine cans condensed milk, 95 cents, and nine cans filled milk, 90 cents. One half a cent less per can for bogus product which cost the retailer 2½ cents less per can. These cans were actual purchases in retail stores outside of chain stores.

Having disposed of the arguments of the opponents of this bill on the subject of food waste and cheapness, it may be well to turn for a moment to the food-value argument. It has been repeatedly stated here this afternoon that filled milk is injurious or deleterious to human health. Everyone concedes, of course, that it is not positively bad, but no one disputes the fact that it is negatively good. It is a sham, a pretense, and literally a wolf in sheep's clothing among food products. Were it actually poisonous even the most ignorant would not be misled. But masquerading under a good name it deceives even the elect and thus becomes doubly dangerous. President Harding has recently uttered some stirring words about "conscience in business." The sentiments he expressed in that splendid appeal are especially in point in the discussion of this bill. When in the name of "business" we attempt to foist upon the innocent, the poor, and the unwary a spurious article of food, it is certainly high time to call for "conscience in business," and for this reason, if no other, every vote should be cast for this bill.

I can not speak in scientific phraseology on the value of this bogus milk, but I can bring to the committee a farm illustration that will be convincing to anyone who knows farm life. If one of a pair of twin calves is allowed to take his nourishment from its mother according to nature's method and the other is taken away and fed upon separated or skim milk, even with substitutes added, is there any comparison at the end of any period of experimentation? The calf fed by nature's method will be bright-eyed, sleek-coated, symmetrical in form, and a beautiful thing for every lover of animals to look upon. The calf fed on separated or skim milk will be undersized, "poddy," and in every way inferior to its twin. The butcher, I apprehend, would have no trouble in choosing the better one for the block, even

though coconut oil, or even peanut oil, had been added to the ration of the hand-fed calf. Shall we get lost or confused in the bogs of scientific argument on the subject of nourishment in this filled-milk product when any 10-year-old farm boy sees and knows the truth in it?

The deception and fraud in the sale of this bogus product can not be too strongly emphasized, in my opinion. In order to set this out clearly, I quote, through the courtesy of Mr. A. A. Miller, editor of the Milk Producers' Review, of Philadelphia, some statements of dealers in Pennsylvania and New Jersey:

1. Sell Pet but no Hebe milk. Pet same as Hebe. (Pet, condensed; Hebe, filled.)
2. Silver Key all right; same as Borden's. (Silver Key, filled; Borden's, condensed.)
3. Hebe good as Borden's.
4. Hebe just as good as others; all alike; good for children.
5. Hebe, good milk; good for babies; yes, good for everything.
6. Recommended Hebe for babies.

Many others of similar import could be given, but these are fairly indicative of the trade practices, particularly in poorer sections of our large centers of population. We certainly should be willing and ready to prevent this deception and fraud as far as our power goes, both on account of health and moral considerations.

Something has been said, Mr. Chairman, concerning the selfish interest of dairymen in this measure. Because of the fact that whole milk is purchased by the manufacturers of filled milk, I feel that this argument is unfair. The fear of the dairyman is that the sale of this bogus milk product will discredit his whole business and thus do him immeasurable harm. He is clearly entitled to have the generally accepted high character of the whole milk product which he markets preserved. His interest in the matter is one with public interest.

Mr. Chairman, as I see this proposition it summarizes about as follows: Responding to the urge of war-time necessity, we went far afield in search of "substitutes." The use of "substitutes" tolerated under the stress of war has become strongly entrenched in our commercial life. The profit in them lures many to exert every energy to continue their use. Is it not time to right-about face? Are such practices even "good business"? Shall not the admonition of the President urging "conscience in business" be heeded?

Filled milk adds nothing to our food supply, is not perceptibly cheaper, and clearly seeks to steal the good name of whole milk, thereby endangering the whole dairy industry. Sound public policy is against it, and it is, therefore, my hope that the committee will approve this bill which prohibits it as an article of interstate commerce.

By unanimous consent leave to extend remarks was granted to Miss ROBERTSON, Mr. JONES of Texas, and Mr. CLAGUE.

Mr. JACOWAY. Mr. Chairman, I yield the balance of my time to the gentleman from Mississippi [Mr. LOWREY].

Mr. LOWREY. Mr. Chairman, we are through raising babies at my house. We have raised eight, and we did not use condensed milk. I am still for the protection of the babies. It seems to me that when the gentleman who preceded me undertook to defend his position he sufficiently sustained our position. The gentleman says that he went to 25 merchants in this town who a year ago were selling this product as condensed milk and that they are not selling it now, because it is properly labeled. If it is properly labeled and that has produced the effect, why not simply enact a law requiring a proper label and not attack the industry? That is all the argument I have to present. But as the gentleman has given me the balance of the time I feel constrained to make a little protest against the conduct of my friend and colleague from Mississippi [Mr. Sisson]. I do not think it exactly polite and worthy of a Mississippi Congressman to stand and look down at people's ankles and then comment on their hosiery, as the gentleman did when he had the floor. [Laughter.]

Mr. VOIGT. Mr. Chairman, I yield two minutes to the gentleman from South Dakota [Mr. WILLIAMSON].

Mr. WILLIAMSON. Mr. Chairman and gentlemen, I have been very much surprised this afternoon in noting that there has not been a single Member on the minority side who has risen in defense of this bill. Neither have gentlemen on that side of the House shown us that this bogus milk has a single element of real food value in it. The truth of the matter is and the evidence all shows that this product which is being sold as filled milk has the vitamins taken out of it, and that is the only essential element in milk that would be of any value so far as sustaining human life is concerned. There is not a man here, raised on a farm, who remembers the time when the cream separator came into vogue who does not also recall that when he attempted to feed the calves on the milk after the separator had taken the cream out of it that the calves got thinner and thinner and that some died. Calves can not be

raised on that kind of a diet. And yet this same milk is taken, mixed with coconut oil, and fed to children. [Applause.]

To permit a compound consisting of separator skimmed milk and coconut oil to be sold as a substitute for the genuine article is to permit the people's money to be taken under false pretenses. But it is argued that it is not sold as a milk substitute. How anyone can read the labels upon the cans and the newspaper advertisements describing the virtues of the mixture and arrive at that conclusion is hard to understand. Such labels and every line of the glowing advertisements are calculated to deceive the buyers into the belief that they are really getting a superior product.

The contention that the manufacturers of "Nutro" and "Hebe" and other like concoctions are entitled to consideration, and that we have no right to destroy their investments by destroying their markets, is not impressive in view of the methods employed by them in foisting their all but worthless products upon the unsuspecting public.

Upon the one hand it is being argued by the opponents of the measure that to prohibit the shipment of filled milk in interstate commerce is to deprive the poor of a valuable food product and on the other that it will deprive the farmer of a market for his skimmed milk. Both contentions seem to me untenable. It has been demonstrated by the most convincing proofs and by actual experiments that filled milk is wholly unfit as a diet for infants or children and that it is the mother of rickets and brings on loss of vitality and impairment of vision. If injurious to children, it can have little value for adults. That it is depriving the farmer of a market for his milk is equally ill founded. Skimmed milk is a mere by-product. The more of it that can be used as a substitute for the genuine article, the less demand there will be for the whole milk. Statistics gathered by the Bureau of Markets show pretty conclusively that the compound is gradually reducing the demand for malted and evaporated milk, both of which are manufactured from the whole milk. This has resulted in a corresponding reduction of demand for the products of our dairy herds. Figures presented by the bureau, as given in the committee's report, show that the production of filled milk increased from 35,031,902 pounds in 1917 to 86,561,000 in 1920, while the production of sweetened condensed and unsweetened evaporated milk decreased from 2,030,957,618 pounds in 1919 to 1,461,140,312 in 1921. I regret that I do not have the figures at hand for the corresponding years throughout, as this would be a much more satisfactory comparison. It seems to me that the reasons for the enactment of this bill into law are most convincing and that we should have no hesitancy in supporting it.

Mr. VOIGT. Mr. Chairman, I yield the balance of my time to the gentleman from Kansas [Mr. TINCHER].

Mr. TINCHER. Mr. Chairman and gentlemen of the committee, at the time the hearings were had on the bill this product was being sold in the city and used as food for infants. The attention of the manufacturer having been called to the fact that it was not fit for infants' food, the label was changed. The evidence discloses that there was no nutrition in the substance, and the only reason that they should not be compelled to label it "Not fit for adults" is that it was not shown that it was particularly injurious to adults. But there is no food about it, and no reason why it should be carried in commerce or manufactured. I do not know why anyone should vote to permit the sale of an article used as food that has no nutritious element in it. [Applause.]

The CHAIRMAN. The time of the gentleman has expired, all time has expired, and the Clerk will read the bill for amendment.

The Clerk read as follows:

Be it enacted, etc., That whenever used in this act—

- (a) The term "person" includes an individual, partnership, corporation, or association;
- (b) The term "interstate or foreign commerce" means commerce (1) between any State, Territory, or possession, or the District of Columbia, and any place outside thereof; (2) between points within the same State, Territory, or possession, or within the District of Columbia, but through any place outside thereof; or (3) within any Territory or possession, or within the District of Columbia; and
- (c) The term "filled milk" means any milk, cream, or skimmed milk, whether or not condensed, evaporated, concentrated, powdered, dried, or desiccated, to which has been added, or which has been blended or compounded with, any fat or oil other than milk fat, so that the resulting product is in imitation or semblance of milk, cream, or skimmed milk, whether or not condensed, evaporated, concentrated, powdered, dried, or desiccated.

Mr. TOWNER. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 2, line 8, after the word "desiccated," strike out the period, insert a comma, and insert "and as such is an adulterated and deleterious article of food, and when marketed as such constitutes a fraud upon the public."

Mr. TOWNER. Mr. Chairman, I am justified in saying that the author of the bill and at least a part of the Agricultural Committee have agreed to this amendment.

Mr. Chairman, this amendment is offered merely on a legislative declaration of the object and purpose of the legislation. There are three grounds upon which articles of this character may be prohibited from interstate commerce. If the article is adulterated, if the article is deleterious as a food product, or if it is being marketed and the process of marketing constitutes a fraud upon the public, then interstate commerce may take cognizance of the conditions and the article may be prohibited from being shipped in interstate commerce.

Mr. JONES of Texas. Mr. Chairman, will the gentleman yield?

Mr. TOWNER. Yes.

Mr. JONES of Texas. The gentleman's amendment is in line with the suggestion that I made a while ago, and would go far to remove the objections to the bill.

Mr. TOWNER. This is a legislative declaration of the fact that is claimed by the proponents of the bill. It is also a declaration of the purposes of the legislation. Of course I know that it is not binding upon the courts, but in many cases, as gentlemen who are familiar with the legal aspects of the matter know, the declaration of the legislative body in regard to the purpose of the legislation goes very far with the courts in determining whether or not it is constitutional.

Mr. WALSH. Mr. Chairman, will the gentleman yield?

Mr. TOWNER. Yes.

Mr. WALSH. Will not this add to the allegations that must be set forth in the indictment and proved?

Mr. TOWNER. I do not know. I do not know, really, as to whether an indictment could be sustained against one who has violated the terms of the act without such allegation, but certainly it will suggest to the district attorney who is drawing the indictment that he should add this declaration. In any event none of these propositions is harmful, and they may be very important, and as such it seems to me that we are justified in asking for the approval of the amendment by the committee.

Mr. HARDY of Texas. Mr. Chairman, will the gentleman yield?

Mr. TOWNER. Yes.

Mr. HARDY of Texas. Does the gentleman think that the recital of this alleged fact that this material is deleterious would establish it as final? In other words, does the legislative declaration make that a fact?

Mr. TOWNER. If the gentleman had been listening attentively, he would have remembered that I just said it would not be binding upon the courts. It is, however, persuasive. It indicates the purpose and object of the legislation, and if in any case it is found as a matter of fact that the particular article under investigation at that time is adulterated or is deleterious to health, or has been so marketed as to constitute a fraud upon the public, then it would be subject to regulation in interstate commerce.

Mr. MONTAGUE. Mr. Chairman, will the gentleman yield?

Mr. TOWNER. Yes.

Mr. MONTAGUE. As I caught the gentleman's amendment, of which I heartily approve, he undertakes to give the real reasons for the bill.

Mr. TOWNER. Yes; I think that might be properly stated of it.

Mr. MONTAGUE. In other words, that is the object and purpose of the bill.

Mr. TOWNER. Yes. It is to prevent an adulterated food from being sold; it is to prevent a deleterious food from being sold; it is to prevent a fraud upon the public.

Mr. RAKER. Mr. Chairman, I move to strike out the last word. I am in favor of this amendment. With this amendment adopted, I am in favor of this bill. It cures the imperfections of the bill beyond all question. As the bill stood there was serious question upon its face whether or not it could be declared constitutional by the courts. This adds what ought to be added to this character of legislation. I call attention to the fact that the bill prohibits the addition of any fat other than milk fat, or provides that the addition of any fat other than milk fat would prohibit the article from being entered in interstate commerce. In the powdered, dried, or desiccated milk there may be a small percentage of fat added, other than milk fat, when, as a matter of fact, all of the substance of the milk that comes from the cow in evaporated milk is retained. A little fat may be added to preserve it in the can. Without this amendment that evaporated milk would be prohibited in interstate commerce under the bill, but with the amendment proposed by the gentleman from Iowa it must be proven, as it ought to be, that it is an adulteration, that it is

deleterious for food purposes, or that it is a fraud upon the public.

Mr. WALSH. Mr. Chairman, will the gentleman yield?

Mr. RAKER. Yes.

Mr. WALSH. Does that amendment not make the definition comport with the pure food law?

Mr. RAKER. I think it does, as far as it goes, and it ought to.

Mr. WALSH. Then, if you make it comply with the pure food requirements, what is the necessity for the rest of the bill?

Mr. RAKER. Why, they have not been enforcing such laws in this instance. It may be deleterious and would be thereby prohibited from sale in a State. It may be an adulteration and it might not be prohibited by the pure food law, because you retain in the milk all of the sustenance, and if you put in oil or any fat for the preservation on account of shipment, or on account of drying, and so forth, you would be prohibited from exporting it or transporting it from one State to the other under the original bill. This amendment cures that evil, as it should be cured.

Mr. WALSH. Does the gentleman contend that the pure food law permits the sale of adulterated or deleterious substances in food?

Mr. RAKER. I do not and did not. I made no such statement, nor one that any such inference could be drawn therefrom. An adulteration that is not injurious, not against the law, is what is now before the House.

Mr. WALSH. Whether it may not be deleterious or injurious to public health?

Mr. RAKER. Oh, not at all. This would be adulteration if you put anything in it; the adulteration must be deleterious and injurious to health; must be against the pure food law.

Mr. MOORE of Virginia. Will the gentleman yield?

The CHAIRMAN. The time of the gentleman has expired.

Mr. RAKER. I ask that I may proceed for one minute.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. MOORE of Virginia. I suggest this as an answer to the question of the gentleman from Massachusetts, that under the pure food law the matter of what are or are not deleterious in the various foods is dealt with by regulation by the Department of Agriculture.

Mr. RAKER. And specified.

Mr. MOORE of Virginia. Now, we consider it necessary—those of us who favor this measure—to deal specifically with this subject, and I agree fully with the gentleman from California and with the gentleman from Iowa [Mr. TOWNER] that the statement of fact now to be incorporated in the bill will be most persuasive upon any court that comes to consider the constitutionality of this measure.

Mr. RAKER. The amendment should be adopted. It will give this bill a real chance for its life later.

The CHAIRMAN. The time of the gentleman has expired.

Mr. VOIGT. Mr. Chairman, the committee has no objection to this amendment, and I move that all debate upon this section and all amendments thereto be now closed.

The motion was agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

SEC. 2. It shall be unlawful for any person to manufacture within any Territory or possession, or within the District of Columbia, or to ship or deliver for shipment in interstate or foreign commerce, any filled milk.

Mr. WINGO. Mr. Chairman, I move to strike out the section.

The CHAIRMAN. Did the gentleman offer a pro forma amendment or an actual amendment?

Mr. WINGO. An actual amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 2, line 9, strike out all of section 2.

Mr. WINGO. Mr. Chairman, now this section would make it unlawful to ship filled milk for any purpose, whether it is intended to feed hogs, man, or what not, across State lines—or feed poodle dogs, as some gentlemen here suggest, but I am not much interested in poodle dogs. In other words, the taking of it across the State line into the city of Texarkana for a dairyman on the edge of Texarkana to feed the hogs or any other purpose is made unlawful. But I feel fully satisfied if you want to prevent a fraud upon the public, you have already made a stump speech in the amendment already adopted, showing Congress is in favor of the present law against fraud, because you have got

plenty of laws necessary to punish every fraud that has been complained of here this afternoon, as every lawyer knows. Now, having gone on record and made a stump speech in favor of the enforcement of the present law, you ought to be satisfied without preventing the bringing of filled milk simply across the State line into Texarkana, or from Arkansas into Memphis, or from Memphis into Arkansas, or from Kansas City, Kans., to Kansas City, Mo.

In other words, you say that you are going to prevent its shipment for any purpose and make it unlawful for any purpose. Of course, that is absurd. I am glad you saw fit to tone down your preceding section by making the simple declaration of what you are in favor of; but I hope you will not go so far as to bar the shipment of a food product that may be properly used by men and, not as some one is so afraid of, by babies. Why, the lady from Oklahoma would be barred from shipping in interstate commerce any of this stuff to be used by her in making custard.

Mr. RAKER. Do you think it is just exactly the proper thing to give me any custard pie without any substance to it except the form and looks?

Mr. WINGO. I would not give you any custard pie at all; but if I should give you sawdust and told you it was food, and you did not have any more sense than to eat it, I ought not to be prosecuted; but if you were an infant and I sold you sawdust to eat, I ought to be prosecuted. Under the statute of California you could prosecute me if I sold you sawdust for breakfast food. Anyway, let the lady from Oklahoma still use the filled milk for custard, even if you do not want to use it for any other purpose. [Laughter.]

Mr. VOIGT. Mr. Chairman, I want to say a few words in opposition to this amendment. If the gentleman has the privilege of shipping milk in interstate commerce for the purpose of feeding hogs or anything else, all that would be necessary under this bill would be to color the filled milk. Then you would not violate this law. If the section as it stands now is stricken out, the bill will be killed, and I hope it will be voted down.

I move that all debate on this amendment and amendments thereto be now closed.

The CHAIRMAN. The question is on the motion of the gentleman from Wisconsin [Mr. VOIGT].

The question was taken, and the Chair announced that the ayes seemed to have it.

Mr. WINGO. Mr. Chairman, I ask for a division.

The committee divided, and there were—ayes 82, noes 20.

So the motion was agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Arkansas [Mr. WINGO].

Mr. JONES of Texas. Mr. Chairman, the pending amendment is an amendment to strike out the paragraph. Would not the amendment offered a while ago take precedence of it in voting?

The CHAIRMAN. That has already been voted on—the amendment offered by the gentleman from Iowa [Mr. TOWNER].

The question now is on the amendment offered by the gentleman from Arkansas.

Mr. JONES of Texas. Before the vote is taken on that amendment, can the other amendment be considered?

The CHAIRMAN. What other amendment?

Mr. JONES of Texas. I have an amendment pending.

Mr. CAMPBELL of Kansas. The amendment could be presented and not be debated.

Mr. JONES of Texas. According to the ruling heretofore made by the Chair, a motion to perfect a paragraph comes before a motion to strike out the paragraph, but after the motion to strike out the paragraph I am afraid the amendment would not be admitted.

The CHAIRMAN. When the gentleman from Texas had the amendment read for information he did not intimate that he offered the amendment for consideration.

Mr. JONES of Texas. I desire to offer it now.

The CHAIRMAN. The gentleman has the right to do so. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. JONES of Texas: Page 2, line 11, after the word "shipment," strike out the word "in," and in line 12 strike out the words "interstate or foreign commerce" and insert, after the word "milk," the following: "to any person in any other State, Territory, or District of the United States or foreign country in which it is at that time unlawful to sell, offer for sale, or tender for sale, or delivery, such milk," so that section 2, as amended, shall read: "It shall be unlawful for any person to manufacture within any Territory or possession, or within the District of Columbia, or to ship, or deliver for shipment, any filled milk to any person in any other State, Territory, or District of the United States or foreign country in which it is at that time unlawful to sell, offer for sale, or tender for sale, or delivery, such milk."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas [Mr. JONES].

The question was taken, and the amendment was rejected.

The CHAIRMAN. The question now comes on the amendment offered by the gentleman from Arkansas [Mr. WINGO].

The question was taken, and the amendment was rejected.

The CHAIRMAN. The Clerk will read.

Mr. TUCKER. Mr. Chairman—

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. TUCKER. To ask about the amendment I offered a moment ago.

The CHAIRMAN. The amendment was read for information. Does the gentleman desire to offer it?

Mr. TUCKER. I do.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment by Mr. TUCKER: Page 2, line 11, strike out the words "or to ship or deliver for shipment in interstate or foreign commerce."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Virginia.

The amendment was rejected.

The Clerk read as follows:

SEC. 3. Any person violating any provision of this act shall upon conviction thereof be subject to a fine of not more than \$1,000 or imprisonment for not more than one year, or both; except that no penalty shall be enforced for any such violation occurring within 30 days after this act becomes law. When construing and enforcing the provisions of this act, the act, omission, or failure of any person acting for or employed by any individual, partnership, corporation, or association, within the scope of his employment or office, shall in every case be deemed the act, omission, or failure of such individual, partnership, corporation, or association, as well as of such person.

Mr. WARD of North Carolina. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from North Carolina moves to strike out the last word.

Mr. WARD of North Carolina. Mr. Chairman, the district attorney that draws a bill of indictment under this law, and does not incorporate in that bill of indictment the Towner amendment, will have his bill of indictment quashed if there is a lawyer there and a judge on the bench; and when he puts it into his bill of indictment it has got to be proved, and unless he proves it the defendant will be acquitted, as he ought to be. [Applause.]

Mr. LONDON. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. LONDON: Add a new section, which shall read:

"SEC. 4. This act shall take effect one year after the date of its passage."

Mr. LONDON. Mr. Chairman, I favor this bill. Adulteration of food is one of the worst manifestations of modern commercialism. The ease with which the producers of these spurious articles deceive the unwary makes this legislation necessary. As the most conservative Member of the House, I want to advise you against confiscation. [Laughter.]

I do not believe in spasms of morality. I prefer continuous moral conduct. You have permitted the manufacture of these numerous articles, samples of which have been shown here. You have permitted them in interstate commerce. Investments have been made. Men are employed in these industries. Some regard, some consideration, should be given to them and an opportunity offered to adjust themselves to the new situation which will be created by the legal declaration that these articles shall henceforth be held to be immoral, injurious, unwholesome, deleterious, and what not.

I ask that my amendment be approved. [Applause.]

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from New York.

The question was taken, and the amendment was rejected.

Mr. VOIGT. Mr. Chairman, I move that the committee do now rise and report the bill back to the House with an amendment, with the recommendation that the amendment be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. HICKS, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having had under consideration the bill (H. R. 8086) to prohibit the shipment of filled milk in interstate or foreign commerce, had directed him to report the same back to the House with an amendment, with the recommendation that the amendment be agreed to and that the bill as amended do pass.

Mr. VOIGT. Mr. Speaker, I move the previous question on the bill and amendment to final passage.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time.

Mr. WALSH. Mr. Speaker, I ask for the reading of the engrossed bill.

Mr. MONDELL. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER. Will the gentleman from Wyoming withhold his motion for a moment?

Mr. MONDELL. Yes.

#### MESSAGE FROM THE SENATE.

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

S. 3220. An act to amend sections 2, 5, 11, 12, 15, 19, 29, and 30 of the United States warehouse act, approved August 11, 1916.

#### SENATE BILL REFERRED.

Under clause 2, Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

S. 3220. An act amending sections 2, 5, 11, 12, 15, 19, 29, and 30 of the United States warehouse act, approved August 11, 1916; to the Committee on Agriculture.

#### ENROLLED BILL SIGNED.

Mr. RICKETTS, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title, when the Speaker signed the same:

H. R. 11065. An act making appropriations for the Departments of State and Justice and for the judiciary for the fiscal year ending June 30, 1923, and for other purposes.

#### ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. RICKETTS, from the Committee on Enrolled Bills, reported that May 23 they had presented to the President of the United States, for his approval, the following bills:

H. R. 9951. An act to amend section 22 of an act approved February 14, 1920, entitled "An act making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes," for the fiscal year ending June 30, 1921;

H. R. 11152. An act to authorize the Bear Mountain Hudson River Bridge Co. to construct and maintain a bridge across the Hudson River near the village of Peekskill, State of New York;

H. R. 10329. An act making appropriations for the Department of the Interior for the fiscal year ending June 30, 1923, and for other purposes;

H. R. 11645. An act making an appropriation to enable the Department of Justice to investigate and prosecute war frauds; and

H. R. 2193. An act to amend the act entitled "An act to prohibit the importation and use of opium for other than medicinal purposes," approved February 9, 1909, as amended.

#### LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. LINTHICUM, indefinitely, on account of illness.

#### EXTENSION OF REMARKS.

Mr. REED of West Virginia. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record on the bill S. 2919.

The SPEAKER. The gentleman from West Virginia asks unanimous consent to extend his remarks on the rent bill. Is there objection?

There was no objection.

#### ADJOURNMENT.

Mr. MONDELL. Mr. Speaker, I renew my motion to adjourn.

The SPEAKER. The gentleman from Wyoming moves that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 50 minutes p. m.) the House adjourned until to-morrow, Thursday, May 25, 1922, at 12 o'clock noon.

#### EXECUTIVE COMMUNICATIONS, ETC.

616. Under clause 2 of Rule XXIV, a letter from the Director of the United States Veterans' Bureau, transmitting a draft of a bill providing for the making of allotments of appropriations by the United States Veterans' Bureau to the United States Public Health Service was taken from the Speaker's table, referred to the Committee on Appropriations, and ordered to be printed.

#### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. LANGLEY: Committee on Public Buildings and Grounds. H. R. 7658. A bill to amend the act approved August 25, 1919, entitled "An act for the relief of contractors and subcontractors for the post offices and other buildings and work under the supervision of the Treasury Department, and for other purposes"; without amendment (Rept. No. 1029). Referred to the Committee of the Whole House on the state of the Union.

Mr. LANGLEY: Committee on Public Buildings and Grounds. H. R. 11588. A bill to amend an act entitled "An act to authorize the Secretary of the Treasury to provide hospital and sanatorium facilities for discharged sick and disabled soldiers, sailors, and marines"; with amendments (Rept. No. 1030). Referred to the Committee of the Whole House on the state of the Union.

#### PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. TAYLOR of New Jersey: A bill (H. R. 11772) to increase the limit of cost of the United States post office at Bayonne, N. J.; to the Committee on Public Buildings and Grounds.

By Mr. CABLE: A bill (H. R. 11773) relative to naturalization and citizenship of married women; to the Committee on Immigration and Naturalization.

By Mr. NEWTON of Minnesota: A bill (H. R. 11774) to amend the interstate commerce act and the transportation act, 1920; to the Committee on Interstate and Foreign Commerce.

By Mr. MILLER: A bill (H. R. 11775) to enlarge and extend the present United States courthouse, customhouse, and post-office building at Seattle, Wash.; to the Committee on Public Buildings and Grounds.

By Mr. SINCLAIR: A bill (H. R. 11776) to promote agriculture by stabilizing the prices of certain agricultural products; to the Committee on Agriculture.

By Mr. PERLMAN: Joint resolution (H. J. Res. 332) proposing an amendment to the Constitution of the United States regarding the employment of children under 18 years of age; to the Committee on the Judiciary.

By Mr. KIESS: Concurrent resolution (H. Con. Res. 59) to provide for the printing of 3,000 additional copies of the report of the Alien Property Custodian; to the Committee on Printing.

By Mr. YOUNG: Resolution (H. Res. 353) for the immediate consideration of Senate bill 2775; to the Committee on Rules.

#### PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. CANNON: A bill (H. R. 11777) granting an increase of pension to Eliza J. Hall; to the Committee on Invalid Pensions.

By Mr. GENSAMAN: A bill (H. R. 11778) to investigate the claims of and to enroll certain persons, if entitled, with the Choctaw Tribe of Indians; to the Committee on Indian Affairs.

Also, a bill (H. R. 11779) granting a pension to Alexander Seals; to the Committee on Invalid Pensions.

By Mr. GOLDSBOROUGH: A bill (H. R. 11780) for the relief of Roland Webster; to the Committee on Claims.

By Mr. LANGLEY: A bill (H. R. 11781) granting an increase of pension to Frank P. Collins; to the Committee on Invalid Pensions.

By Mr. McPHERSON: A bill (H. R. 11782) granting a pension to Lucy Michener; to the Committee on Invalid Pensions.

By Mr. QUIN: A bill (H. R. 11783) granting an increase of pension to Girard G. Butler; to the Committee on Pensions.

By Mr. THOMAS: A bill (H. R. 11784) granting a pension to Eugene Key; to the Committee on Invalid Pensions.

By Mr. WALSH: A bill (H. R. 11785) granting a pension to Sarah Barnes Baker; to the Committee on Pensions.

Also, a bill (H. R. 11786) granting a pension to George W. Briggs; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11787) granting a pension to Frederick B. Eldridge; to the Committee on Pensions.

PETITIONS, ETC.

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

5753. By Mr. BURTON: Resolution from the American Legion at Cleveland commending the stand taken by Secretary Hughes in declining to enter into a conference with the soviets of Russia; to the Committee on Foreign Affairs.

5754. By Mr. CHRISTOPHERSON: Resolutions passed by the Black Hills Mining Men's Association, May 18, 1922, protesting against the enactment of the Denison bill; to the Committee on Interstate and Foreign Commerce.

5755. By Mr. CURRY: Petition of 14 residents of Napa County, Calif., protesting against the enactment of the pending Sunday bills; to the Committee on the District of Columbia.

5756. Also, petition of 33 residents of Vallejo, Calif., protesting against the enactment of the Sunday law; to the Committee on the District of Columbia.

5757. By Mr. KISSEL: Petition of Oriental Vegetable Oils Co., San Francisco and New York City, relative to the tariff bill (H. R. 7456); to the Committee on Ways and Means.

5758. Also, petition of Metal Trades Council, Brooklyn, N. Y., relative to House bill 11214; to the Committee on Naval Affairs.

5759. By Mr. MAPES: Petition of Presbytery of Grand Rapids, signed by Harry E. Porter, presiding officer, and Willard K. Spencer, secretary, favoring the passage of House Joint Resolution No. 131, House bill 9753, and Senate Joint Resolution No. 31; to the Committee on the Judiciary.

5760. By Mr. RAKER: Petition of Mr. C. O. Wellock, of San Anselmo, Calif., indorsing and urging the early passage of the Bursum and Morgan pension bills; to the Committee on Invalid Pensions.

5761. Also, resolution No. 27690 of the common council of the city of San Diego, Calif., indorsing and urging the passage of House bill 11449, to provide for the protection and development of the lower Colorado River Basin; to the Committee on Irrigation of Arid Lands.

5762. Also, petition of the Oakland Chamber of Commerce, of Oakland, Calif.; the Stockton Chamber of Commerce, of Stockton, Calif.; the Growers National Bank and the L. Powers Fruit Co., of Fresno, Calif., all protesting against any change in the transportation act of 1920 as proposed by the Sweet and Capper bills (H. R. 6861 and S. 1150); to the Committee on Interstate and Foreign Commerce.

5763. Also, petition of Grand Commandery of Knights Templar of the State of California, the Grand Council of Royal and Select Masters of the State of California, and the Grand Chapter of Royal Arch Masons of the State of California, advocating and indorsing the Towner-Sterling bill, which has for its purpose the improvement of educational facilities in the United States; to the Committee on Education.

5764. Also, petition of Chamber of Commerce of the State of New York, favoring the merchant marine bill; to the Committee on Merchant Marine and Fisheries.

5765. Also, petition of the Rice Millers' Association, of New Orleans, relative to tariff rates on rice; Frank O. Sundquist and Trobeck & Johnson, of Los Angeles, Calif., protesting against paragraph 1116 of the tariff bill; to the Committee on Ways and Means.

5766. Also, petition of Texas Chamber of Commerce, Dallas, Tex., relative to tax-free securities, and Charles Tartaglia & Bros., of Los Angeles, protesting against paragraph 1116 of the tariff bill (H. R. 7456); to the Committee on Ways and Means.

5767. Also, petition of the National Dairy Union, Washington, D. C., indorsing House bill 8086; to the Committee on Agriculture.

5768. Also, petition of the Pacific Rod & Gun Club, of San Francisco, Calif., indorsing and urging the passage of House bill 5823, known as the public shooting and game refuge bill; to the Committee on Agriculture.

5769. Also, petition of Camp St. Louis, No. 731, United Confederate Veterans, St. Louis, Mo., relative to amendment of the statutes concerning the soldiers' homes maintained by the Federal Government; to the Committee on Military Affairs.

5770. By Mr. SMITH of Idaho: Petition of citizens of Fairfield, Idaho, favoring the enactment of the Voigt bill (H. R. 8086), to prohibit shipment of filled milk in interstate or foreign commerce; to the Committee on Agriculture.

5771. By Mr. SNYDER: Petition of Ralph Crego, Charles E. Garlock, William Gibson, Herkimer, N. Y., and L. A. White, Utica, N. Y., favoring the passage of the Chandler pension bill (H. R. 9198), increasing the pensions of volunteers serving in the war with Spain or China or Philippine expeditions; to the Committee on Pensions.

5772. By Mr. WOODS of Virginia: Petition of Frances L. Brophy and others of the sixth Virginia district, asking for a fair duty on imported kid gloves; to the Committee on Ways and Means.

5773. Also, resolutions adopted by the Sons and Daughters of Liberty, Roanoke, Va., representing more than 300 members, urging the passage of the Towner education bill; to the Committee on Education.

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