

SCHEDULE 8.

SPIRITS, WINES, AND OTHER BEVERAGES.

DISTILLED AND FERMENTED LIQUORS.

[Paragraphs 802 and 803.]

STATEMENT OF LEVI COOKE, WASHINGTON, D. C., REPRESENTING WINE AND SPIRIT IMPORTERS.

The last item I will discuss is paragraph 802, the entire subject of distilled spirits and wines and liquors. The House bill has increased the rate on distilled liquors to \$5 per proof gallon, as against the Underwood rate of \$2.60 per proof gallon. Paragraph 803 provides for "champagne and all other sparkling wines, \$6 per proof gallon," and there are other changes and increases on still wines from the present rate.

The entire subject falls under one principle, and I will not take the time to discuss the several different items and various rates that have been increased, because if the principle is sound I think the existing rates in all items ought to stand. If that principle is not sound, of course Congress can fix the rate.— That principle is simply this, that the import rates are coupled with the internal-revenue duty, so that the imported product not only pays the import duty, but also the internal-revenue tax.

Senator SMOOT. That has been the case in all of our tariff and internal-revenue legislation.

Mr. COOKE. There was a time when we did not pay internal-revenue duties.

Senator SMOOT. That has been a long time.

Mr. COOKE. That was prior to the war. I remember the legislation of 10 years ago, which did not do so. Now, take the case of cognac, which has always been used for medicinal purposes—

Senator WATSON. This bill absolutely prohibits all liquors of every kind.

Mr. COOKE. Speaking first of the first Volstead Act, that forbade the importation for beverage use. The Willis-Campbell Act provided that wines and spirits should not be imported unless the prohibition commissioner should find that there were not sufficient domestic wines and spirits to meet the requirements. There is some question as to whether that means all wines or only particular kinds of wines should be imported.

The eighteenth amendment contemplated only the prohibition of beverage wines and liquors coming into the United States. If a man is sick and has got to have champagne the law leaves the door open for him to get the champagne, and I will say to the committee in that connection that when Mr. James D. Maher, the clerk of the Supreme Court, was operated on and dying in Georgetown Hospital they kept him alive a week by the use of champagne.

Conceding it is legally possible to import these wines, we come to the question of whether or not those medicinal liquors ought to be taxed so high a rate as \$8.20 per gallon. Of course, none of them can be imported for anything but medicinal use.

Senator SMOOT. But the internal revenue rate before was very much higher than it is now.

Mr. COOKE. But it was then possible for gentlemen who were not ill to get that product.

Senator SMOOT. And they paid for it.

Mr. COOKE. Undoubtedly they paid for it.

Senator SMOOT. The rate was \$6.40.

Mr. COOKE. They realized that was not the proper rate on medicinal liquors and left the rate at \$2.20 when the internal-revenue act was passed. What is brought in now is purely for medicinal purposes and it should not be taxed a prohibitive rate. If it is brought in for a legitimate use, then the sick in the hospitals ought not to be made to pay a prohibitive tax to the Government; if it be medicinal it ought to come in free. If it must be taxed, it should be taxed a reasonable rate and should not be taxed at so high a rate that the poor sick man in the free hospital can not be given the thing which might save his life.

Senator SIMMONS. This French brandy can only be imported for medicinal purposes?

Mr. COOKE. Yes, sir.

Senator SIMMONS. And the only spirituous liquors that can be imported are for that purpose?

Mr. COOKE. Yes, sir; that is right.

Senator SIMMONS. I understand your argument to be this, that when we are dealing in the revenue bill with spirits for medicinal purposes we should differentiate in favor of those spirits in the tax?

Mr. COOKE. Yes, sir.

Senator SIMMONS. And make it only \$2.20 as against \$6.40?

Mr. COOKE. That is right.

Senator SIMMONS. Your idea is that we ought to follow up that same line of differentiation?

Mr. COOKE. Yes, sir.

Senator SIMMONS. And that as everything that comes in can only come in for medicinal purposes, we ought not to impose as high a rate as was imposed for liquors coming in to be used as a beverage?

Mr. COOKE. Yes. I want to say this, in conclusion, Senator, that it is true that the rules are very rigid now regarding importations. Under the administrative Willis-Campbell Act only the wholesale druggists can deal within the country in these products and the retail druggists distribute them to the people, and that means that the price is very high. A druggist always charges more than other people for the same article. You can buy pills in a grocery store much cheaper than you can in a drug store—the same pills. Therefore, it seems to me that this will not be a revenue producer under any circumstances to the Government, and therefore it seems to me that spirits that come in for medicinal purposes should come in as low as possible, in order to be of any benefit to sick people.

Senator WATSON. You are asking for the rate which is in existence now?

Mr. COOKE. Yes, sir. I was not instructed to complain of the present rate, though you might as well take that off, but I was instructed to urge the committee not to increase these rates, and I trust they will not be increased, in the interests of those who are suffering from disease.

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