

BOURBON LEADERS OPPOSE PLAN FOR PRESENT SESSION

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He also said the president did not want his new tax program to interfere with the nuisance tax proposal extension.

The committee, on motion of Senator Gore, (D., Okla.), voted to extend the nuisance and excise taxes and four tariffs for one year.

Harrison said the one year extension was voted because "it is hoped that conditions will improve so much that we won't have to extend the taxes more than one year."

The president's recommendations for new taxes also entered into the decision for a shorter extension, Harrison said.

Would Wait New Session Committee members felt the question of another year's extension could be considered next session along with the tax proposal.

Harrison said action on the president's recommendation was up to the ways and means committee of the house but he felt it would be "impossible" to do anything with them this session.

LaFollette notified the committee he would offer amendments on the floor to carry out the president's recommendations, but he said "I don't believe the senate is going to act specifically or adopt a program without more serious consideration."

Confidants of the president, meanwhile, passed the word he is considering a new and broad NRA designed to be in a sense a companion measure to the tax program.

It was emphasized at the White House that President Roosevelt is standing on the language of his special message and leaving the procedure for the present at least, to congressional leaders.

Long Preparation Needed It would take at least a month to frame a bill to carry out the president's program. Democratic members of the finance committee contended the congressional session would be prolonged six weeks if new taxes were pushed now.

Secretary Morgenthau declined to make public the administration's estimate of what the new tax program would return.

The secretary said he would avoid any interpretation of the measure until he was asked by congress. "If they want any technical information based on the message, we have it ready for them," he said.

Congressional chiefs indicated that President Roosevelt would be consulted again to remove any doubts about whether his share-the-wealth tax program is "must" for this session.

Chairman Doughton of the house ways and means committee was asked about the remark of another congressional leader who said privately the share-the-wealth taxes had not "a chance in hell for passage this session."

"That's a separate jurisdiction," Doughton added. "Maybe they do have a chance on earth."

"My impression of the president's message is that he laid the matter before congress to be dealt with as early as it can be, consistent with other things."

Action Time Uncertain "I don't know definitely whether the president wants the taxes this session or not. I suppose he does."

In a general endorsement of the president's suggestions, Doughton added:

"I subscribe neither to the idea 'make-the-rich' nor 'crush-the-poor.' The president's plan wouldn't do that. I have no sympathy with those who advocate extreme tax plans. The way to stop those is not to go to the other extreme."

"Old Solomon—who was a pretty wise guy—stumped it up when he said: 'Give me neither poverty nor riches; poverty lest I be poor and

steal, riches lest I say Lord who art Thou.' The tax plan, intended to break up great fortunes and reduce large incomes, was greeted by expressions of gratification from the "left" and criticism from the "right." It was presented to congress late yesterday with the presidential comment that it would encourage the "very sound policy" of a "wider distribution of wealth."

The revived NRA which the president is said to be considering was pictured by some of his advisers, who declined to be quoted by name, as an effort to increase mass purchasing power. Thus, they said, it would be akin to the tax plan. They foresaw the possibility that another "surprise" message on the subject might be forthcoming.

One Major "If" There is one major "if" on NRA, it was said. The plan may be recommended if the administration can find a definition of interstate commerce it considers satisfactory and able to stand the test of constitutionality.

Authoritative sources said the president had remarked that he was inclined to believe congress could constitutionally define interstate commerce so the federal government could supervise some things over which the supreme court held the old NRA had no power.

The quest, it was said, is for words to define what the constitution means when it says congress can regulate commerce "among the several states."

Yesterday's tax message, it became clear today, was written and sent to congress against the advice of nearly all the high Democratic advisers on Capitol Hill. After counseling against such an idea some time ago, some of them had been predicting recently that no new taxes would be recommended. But the president, it was said authoritatively, wrote the message without their knowledge, and sent it to the capitol in a hurry so pressure would not be brought on him to withhold it.

Four Main Proposals The message suggested: 1. Inheritance, succession and legacy taxes in addition to those now levied on estates, and suitably higher gift taxes to prevent avoidance of the other levies; 2. A "definite increase" in present taxes on "very great" individual incomes; 3. Graduated corporation income taxes ranging from 10% to 18% per cent instead of the present flat 13% per cent; 4. Elimination of "unnecessary" holding companies in all lines of business through taxation; 5. Submission and ratification of a constitutional amendment permitting the federal government to tax future issues of state and local securities and allowing state and local governments to tax future federal securities.

The president pictured the fourth point as something to be done "ultimately," not at this session of congress. There was some doubt in the minds of many congressional leaders as to how pressing the fifth point was considered. Most agreed, however, that the inheritance, gift, higher bracket income and corporate income taxes were offered as "outright" legislation and probably "must."

Opinions Differ Generally, the tax plan drew praise from those Democrats who commented and from some Republican liberals, with other legislators contending that it would retard recovery.

For instance, Senator Neely (D., W. Va.) called the message a "life-saver for democracy" and LaFollette said it was "a splendid message," while Representative Snell of New York, the house Republican leader, termed the message a "stump speech," said the president was "trying to get the jump on Huey Long" and predicted that the plan would "retard the improvement hoped for this summer."

Senator Norris (R., Neb.) said the program "suits me 100 per cent both on the inheritance tax and the corporation tax." Representative Martin (R., Mass.) described it as "no more than that which will be helpful to recovery at this time."

There was no immediate comment on the president's contention that wealth "does not come merely from individual effort" but "from a combination of individual effort and of the manifold uses to which the community puts that effort."

Would Aid Budget Balance The subject of budget-balance was touched upon in one part of the message. It said that money raised by the new inheritance taxes should be applied "to the reduction of the national debt."

Specific tax rates, except for corporation incomes, were omitted from the president's suggestions. Therefore, the general conclusion was that he was willing for congress to work out the schedules itself. But talk was revived about the plan submitted to the senate finance committee by Secretary Morgenthau.

Suggesting that \$300,000,000 to \$600,000,000 could be raised annually, Morgenthau proposed that the present income tax rates be applied to inheritances and gifts to pay the soldiers' bonus—in case congress passed the bonus. Present income rates range from 4 per cent to nearly 83 per cent.

Family Day MT. CLEMENS, Mich. (UP)—A golden wedding, a silver wedding and brand new wedding were celebrated on the same day by the same family when Mr. and Mrs. Charles F. Ahrens observed their 50th wedding anniversary. Their daughter and her husband, Mr. and Mrs. Arthur Slegler, Utica, Mich., celebrated their 25th anniversary, while Hulda Siegler, their daughter, was married to Melvin Kielno.

Kites entered in the annual flying competition in Tokushima, Japan, frequently are so large they require 200 men to hold the cords.

BRUNO'S LAWYERS TELL HIGH COURT TRIAL WAS UNFAIR

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ent theory that Hauptmann had killed the child before removing him from his crib.

A week-old opinion of the court, granting a new trial to a Newark Negro, was cited in support of this contention. Although the court did not rule on the point in that decision, it observed in its opinion that it was unfair to inject a new theory in a murder trial after the case had proceeded on a different theory, because it deprived the defendant of his right to cross-examination on the new theory.

New Appeal Halted. The brief further contended that the alleged varying death theories advanced by the prosecution contradicted Hauptmann's constitutional rights to a fair trial. In this contention was seen the possible basis of an appeal to the U. S. supreme court in event of an unfavorable decision.

The brief, prepared by Elbert Rosecrans, C. Lloyd Fisher and Frederick A. Pope, challenged the legality of many portions of the attorney-general's summation at Flemington, termed the summation inflammatory, and charged Wilentz in cross-examining Hauptmann "browbeat, bullied, belittled and chastised" him. Numerous portions of the trial record were cited to support the charge.

It also contended the case should have been tried in Mercer county, where the baby's body was found on May 12, 1933, and asserted further there was no proof of the common law crime of burglary and that the court erroneously charged that statutory crime. (Hauptmann was tried on the theory that the baby's death occurred during the commission of a burglary and was therefore first degree murder.)

Ladder Evidence Cited. The brief contended further that the admission of the kidnap ladder in evidence was improper and that Col. Charles A. Lindbergh's daily appearance in court influenced the jury unfairly.

It attacked the testimony of Amanda Hochmuth, octogenarian who testified he saw Hauptmann near the Lindbergh estate, and attacked the credibility of Millard Whitely and Charles B. Rositter, who also placed Hauptmann in the vicinity.

Supreme Court Justice Thomas W. Trenchard, presiding judge, was attacked in the brief on the grounds that he "impaired a free verdict and impressed upon the jury his conclusions as to the evidence and imposed upon the defendant an un-

authorized rule as to reasonable doubt." The brief charged likewise that he failed to charge the rule as to the weight of handwriting testimony, and ignored a number of request charges offered by the defense.

The brief attacked the expert value of Arthur Koehler's wood testimony, and the value of Lindbergh's identification of Hauptmann's voice. It charged Dr. John W. Condon, ransom payment intermediary, did not testify truthfully and fairly, and that the testimony of John Perrone, Bronx taxi driver, Al Reich, Condon's bodyguard, and other state witnesses, was confused.

The testimony of police and others in relation to the ransom money, the brief contended, could do no more than connect Hauptmann with the crime of extortion in the Bronx, and

had no bearing on the kidnaping and killing.

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