2353. By Mr. YOUNG: Petitions of Farmers Grain Dealers' Association of North Dakota, and the Commercial Club of Ellendale, N. Dak., urging that the transportation act of 1920 be continued in its present form; to the Committee on Interstate and Foreign Commerce.

SENATE

FRIDAY, *April 11, 1924*

(Legislative day of Thursday, April 10, 1924)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

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

The PRESIDING OFFICER (Mr. MOSES in the chair). The Secretary will call the roll.

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

Adams	Ferris	King	Shields
Ashurst	Fess	Ladd	Shipstead
Ball	Fletcher	McKellar	Shortridge
Bayard	Frazier	McKinley	Simmons
Borah	George	McNary	Smith
Brandegee	Gerry	Mayfield	Smoot
Broussard	Glass	Moses	Spencer
Bruce	Gooding	Neely	Stanley
Bursum	Hale	Norris	Stephens
Cameron	Harreld	Oddie	Sterling
Capper	Harris	Overman	Trammell
Caraway	Harrison	Pepper	Underwood
Colt	Heflin	Phipps	Wadsworth
Copeland	Howell	Pittman	Walsh, Mass.
Curtis	Johnson, Calif.	Ralston	Walsh, Mont.
Dale	Johnson, Minn.	Ransdell	Warren
Dial	Jones, N. Mex.	Reed, Pa.	Watson
Dill	Kendrick	Robinson	Weller
Fernald	Keyes	Sheppard	Willis

Mr. CURTIS. I wish to announce the absence of the Senator from Wisconsin [Mr. LENROOT] on account of illness. I ask that this announcement may stand for the day.

I was requested to announce that the Senator from Washington [Mr. JONES] is detained from the Senate by a committee investigation, and that the Senator from Iowa [Mr. BROOKHART] and the Senator from Montana [Mr. WHEELER] are absent from the city on business of the Senate.

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

MESSAGE FROM THE HOUSE—ENROLLED BILLS AND JOINT RESOLUTION SIGNED

A message from the House of Representatives, by Mr. Chaffee, one of its clerks, announced that the Speaker of the House had signed enrolled bills and a joint resolution of the following titles, and they were subsequently signed by the President pro tempore:

S. 303. An act authorizing the conveyance of certain land to the city of Miles City, State of Montana, for park purposes;

S. 306. An act granting to the county of Custer, State of Montana, certain land in said county for use as a fairground;

S. 514. An act authorizing the Secretary of War to grant a right of way over the Government levee at Yuma, Ariz.;

S. 646. An act for the relief of Ethel Williams;

S. 661. An act for the relief of Fred Hurst;

S. 1219. An act for the relief of Thomas Nolan;

S. 1339. An act to authorize the widening of Georgia Avenue between Fairmont Street and Gresham Place N. W.

S. 1861. An act authorizing the Court of Claims of the United States to hear and determine the claim of Elwood Grissinger;

S. 2146. An act to amend section 84 of the Penal Code of the United States;

S. 2147. An act to complete the construction of the Willow Creek ranger station, Mont.;

S. 2164. An act to repeal that part of an act entitled "An act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1912," approved March 4, 1911, relating to the admission of tick-infested cattle from Mexico into Texas;

S. 2332. An act granting the consent of Congress to the State of South Dakota for the construction of a bridge across the Missouri River between Hughes County and Stanley County, S. Dak.;

S. 2436. An act granting the consent of Congress to the Board of Supervisors of Leake County, Miss., to construct a bridge across the Pearl River in the State of Mississippi;

S. 2437. An act granting the consent of Congress to the Board of Supervisors of Leake County, Miss., to construct a bridge across the Pearl River in the State of Mississippi;

S. 2488. An act to authorize the city of Minneapolis, in the State of Minnesota, to construct a bridge across the Mississippi River in said city;

S. 2538. An act to revive and reenact the act entitled "An act authorizing the counties of Aiken, S. C., and Richmond, Ga., to construct a bridge across the Savannah River at or near Augusta, Ga.," approved August 7, 1919;

S. 2656. An act granting the consent of Congress to the construction of a bridge across the Mississippi River near and above the city of New Orleans, La.;

S. 2686. An act to authorize the Federal Power Commission to amend permit No. 1, project No. 1, issued to the Dixie Power Co.:

S. 2690. An act to transfer jurisdiction over a portion of the Fort Keogh Military Reservation, Mont., from the Department of the Interior to the United States Department of Agriculture for experiments in stock raising and growing of forage crops in connection therewith;

S. 2825. An act to extend the time for commencing and completing the construction of a bridge across Detroit River within or near the city limits of Detroit, Mich.;

S. 2914. An act authorizing the construction of a bridge across the Ohio River approximately midway between the cities of Owensboro, Ky., and Rockport, Ind.; and

S. J. Res. 72. Joint resolution authorizing the Secretary of War to lease to the New Orleans Association of Commerce the New Orleans Quartermaster Intermediate Depot Unit No. 2.

PETITIONS AND MEMORIALS

Mr. McKINLEY presented a petition of sundry citizens of Moweaqua, Ill., praying for the passage of restrictive immigration legislation, with 2 per cent quotas based on the 1890 census, which was referred to the Committee on Immigration.

Mr. KEYES presented a resolution adopted by the Central Labor Union of Portsmouth, N. H., favoring adequate appropriations enabling representatives of the United States to attend the forthcoming international conference for the suppression of the narcotic traffic, which was referred to the Committee on Foreign Relations.

Mr. HOWELL presented 14 telegrams in the nature of petitions from sundry citizens and business firms and organizations of Fremont and Omaha, Nebr., praying for the passage of legislation repealing the tax on telegraph and telephone messages, which were referred to the Committee on Finance.

Mr. KENDRICK presented petitions of sundry citizens of Green River, Evanston, and Converse County, in the State of Wyoming, praying for the passage of restrictive immigration with quotas based on the 1890 census, which were referred to the Committee on Immigration.

Mr. ROBINSON presented telegrams in the nature of petitions from the Helena (Ark.) Chamber of Commerce and J. L. Cannon, sales manager, De Queen Growers' Association, of De Queen, Ark., praying for the removal of the war tax on telegraph and telephone messages, which were referred to the Committee on Finance.

Mr. SHORTRIDGE presented sundry telegrams in the nature of petitions from the following citizens and organizations: American Rolling Mill Co., of San Francisco; Anderson Lumber Co., of Dunsmuir; Berkeley Textile Co., of Berkeley; C. H. Bradt, president, Hunt Bros. Packing Co., of San Francisco; Byron Jackson Pump Manufacturing Co., of Berkeley; Barnard & Bunker, of San Francisco; F. H. Buck Co., of San Francisco; California Fruit & Nursery Co., of Stockton; California Press Manufacturing Co.; California Canneries Co., of San Francisco; Coast Gravel & Rock Co., of San Francisco; California Card Manufacturing Co., of San Francisco; Coykendall (Inc.), of Berkeley; Cutter Laboratory, of Berkeley; California Corrugated Culvert Co., of Berkeley; Dunsmuir Garage, of Dunsmuir; E. H. Edwards, president, Edwards Wire & Rope Co., of South San Francisco; J. R. Eherenman, of Dunsmuir; Great Western Smelting & Refining Co., of San Francisco; Allen Holcomb, of Dunsmuir; Harry Hall & Co. (Inc.), of San Francisco; F. M. Hudson, secretary, Produce Exchange of Los Angeles; Kelley, Clarke Co., of San Francisco; Mary I. Lockey, of Palo Alto; Phil D. Liston, of Dunsmuir; Lilienthal, Williams Co., of San Francisco; Mason, McDuffie Co., of Berkeley; Manasee Block Tanning Co., of Berkeley; Miller & Lux (Inc.), of San Francisco; McCormick & Co., McCormick Steamship Co., of San Francisco; F. Patek, of San Francisco; Peoples' Saving & Commercial Bank, of Chico; Pacific Orient Co., of San Francisco; Ruffner, McDowell & Burch, of San Francisco; Penn Furniture Co., of San Mateo; C. E. Richards, of Sutter Creek; State Bank, of Dunsmuir; Frank C. Sloan, president, Sloan, Reed Co., of Los Angeles; Ruckstell Sales & Manufacturing Co., of Berkeley; Steel Pipe & Tank Co., of

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Berkeley; Willets & Patterson, of San Francisco; West Coast Porcelain Manufacturing Co., of San Mateo; Wilkins Bros., of Dunsmuir, all in the State of California, praying for the passage of legislation reducing or removing the so-called nuisance and war taxes, especially the tax on telegrams and telephone messages, which were referred to the Committee on Finance.

REPORTS OF COMMITTEES

Mr. CAPPER, from the Committee on Claims, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

A bill (H. R. 3183) for the relief of Rush O. Fellows (Rept. No. 375);

A bill (H. R. 3761) for the relief of George A. Nickles (Rept. No. 376);

A bill (H. R. 6049) for the relief of V. E. Schermerhorn, E. C. Caley, G. W. Campbell, and Philip Hudspeth (Rept. No. 377);

A bill (H. R. 8235) for the relief of Aktieselskabet Marie di Giorgio, a Norwegian corporation of Christiania, Norway (Rept. No. 378); and

A bill (H. R. 8237) for the relief of Bruusgaard Kiosteruds Dampskibs Aktieselskab, a Norwegian corporation of Drammen, Norway (Rept. No. 379).

Mr. BAYARD, from the Committee on Claims, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

A bill (S. 1834) for the relief of the legal representative of Robert Dillon, deceased (Rept. No. 380);

A bill (S. 2052) to carry out the decree of the United States District Court for the Eastern District of Pennsylvania in the case of United States of America, owner of the steam dredge *Delaware*, against the steamship *A. A. Raven*, American Transportation Co., claimant, and to pay the amount decreed to be due said company (Rept. No. 381);

A bill (S. 2826) for the relief of the Italian Government (Rept. No. 382); and

A bill (H. R. 2498) for the relief of the East LaHave Transportation Co. (Ltd.), owner; A. Picard & Co., owner of cargo; and George H. Corkum, Leopold S. Conrad, Wilson Zinck, Freeman Beck, Sidney Knickle, and Norman E. Le Gay, crew, of the schooner *Con Rein*, sunk by U. S. submarine *K-4* (Rept. No. 383).

Mr. SPENCER, from the Committee on Claims, to which were referred the following bills, reported them each without amendment and submitted report thereon:

A bill (H. R. 2123) for the relief of the Thompson-Vache Boat Co., of Bonnots Mill, Mo. (Rept. No. 384); and

A bill (H. R. 2126) for the relief of C. C. Carson (Rept. No. 385).

Mr. SPENCER also, from the Committee on Claims, to which was referred the bill (S. 2669) for the relief of J. R. King, reported it with an amendment and submitted a report (No. 386) thereon.

Mr. SMOOT, from the Committee on Public Lands and Surveys, to which was referred the bill (S. 1733) to authorize the Secretary of War to secure for the United States title to certain private lands contiguous to and within the Militia Target Range Reservation, State of Utah, reported it without amendment and submitted a report (No. 387) thereon.

Mr. BALL, from the Committee on the District of Columbia, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

A bill (S. 1027) to regulate the practice of optometry in the District of Columbia (Rept. No. 388); and

A bill (H. R. 837) to exempt from taxation certain property of the Daughters of the American Revolution in Washington, D. C. (Rept. No. 389).

Mr. BALL also, from the Committee on the District of Columbia, to which was referred the bill (S. 933) to provide for the examination and registration of architects, and to regulate the practice of architecture in the District of Columbia, reported it with amendments and submitted a report (No. 390) thereon.

Mr. LADD, from the Committee on Commerce, to which was referred the bill (S. 2977) granting the consent of Congress to the city of St. Paul, Minn., to construct a bridge across the Mississippi River, reported it without amendment and submitted a report (No. 391) thereon.

He also, from the Committee on Public Lands and Surveys, to which were referred the following bills and joint resolution, reported them severally without amendment and submitted reports thereon:

A bill (S. 953) for the relief of William Kaup (Rept. No. 392);

A bill (S. 2975) validating certain applications for and entries of public lands, and for other purposes (Rept. No. 393);

A bill (H. R. 4494) authorizing extensions of time for the payment of purchase money due under certain homestead entries and Government-land purchases within the Fort Berthold Indian Reservation, N. Dak. (Rept. No. 394); and

A joint resolution (S. J. Res. 90) providing an extension of time for payment by entrymen of lands on the Fort Assiniboine abandoned military reservation, in the State of Montana (Rept. No. 395).

Mr. WADSWORTH, from the Committee on Appropriations, to which was referred the bill (H. R. 7877) making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1925, and for other purposes, reported it with amendments and submitted a report (No. 396) thereon.

Mr. REED of Pennsylvania, from the Committee on Finance, submitted a report (No. 397) to accompany the bill (S. 2257) to consolidate, codify, revise, and reenact the laws affecting the establishment of the United States Veterans' Bureau and the administration of the war risk insurance act, as amended, and the vocational rehabilitation act, as amended, heretofore reported by him with amendments from that committee.

BILLS AND JOINT RESOLUTION INTRODUCED

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

By Mr. SHORTRIDGE:

A bill (S. 3073) for the relief of George A. Berry; to the Committee on Claims.

A bill (S. 3074) granting a pension to W. H. H. Johnston; to the Committee on Pensions.

By Mr. WADSWORTH:

A bill (S. 3075) to amend the national defense act as amended by the act of June 4, 1920; to the Committee on Military Affairs.

By Mr. ODDIE:

A bill (S. 3076) to authorize the remodeling of the building occupied by the United States mint and assay office at Carson City, Nev.; to the Committee on Public Buildings and Grounds.

By Mr. BALL:

A bill (S. 3077) to amend the act of Congress approved March 4, 1913, creating the Public Utilities Commission of the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

By Mr. DILL:

A bill (S. 3078) to amend section 1 of an act entitled "An act to amend and consolidate the acts respecting copyright," approved March 4, 1909; to the Committee on Patents.

By Mr. KING:

A bill (S. 3079) to place certain parcels of public grounds in the park system of the District of Columbia; to the Committee on the District of Columbia.

A bill (S. 3080) for the relief of the Uintah and White River Tribes of Ute Indians of Utah; to the Committee on Indian Affairs.

A bill (S. 3081) to amend the act entitled "An act to establish postal-savings depositories for depositing savings at interest with the security of the Government for repayment thereof, and for other purposes," approved June 25, 1910, as amended, and for other purposes; to the Committee on Banking and Currency.

By Mr. FERNALD:

A bill (S. 3082) granting a pension to Affie M. Crockett; and

A bill (S. 3083) granting a pension to Benjamin S. Rollins; to the Committee on Pensions.

By Mr. ROBINSON:

A joint resolution (S. J. Res. 112) directing a census to be taken of bales of cotton now held at various places; to the Committee on Commerce.

AMENDMENTS TO TAX REDUCTION BILL

Mr. SHIPSTEAD submitted two amendments intended to be proposed by him to House bill 6715, the tax reduction bill, which were ordered to lie on the table and to be printed.

JAPANESE IMMIGRATION

Mr. COLT. Mr. President, I have received a communication from the Secretary of State inclosing a letter from the Japanese ambassador and a copy of the letter of the Secretary of State in reply, bearing upon the question of Japanese immigration under legislation now pending before the Congress. For the information of Senators I ask that the communications may be read.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and the communications will be read as requested.

The reading clerk read as follows:

DEPARTMENT OF STATE,
Washington, April 10, 1924.

The Hon. LEBARON B. COLT,
United States Senate.

SIR: I have the honor to inclose herewith for your consideration a copy of a note of April 10, in which, referring to the recent report of the Committee on Immigration and Naturalization of the House of Representatives (Report No. 350, March 24, 1924), the Japanese ambassador has taken occasion to state his Government's understanding of the purport of the so-called gentlemen's agreement, and that Government's practice and purposes with respect to emigration from Japan to this country.

I also inclose a copy of my reply of to-day's date stating that the ambassador's statement of the essential points constituting the gentlemen's agreement corresponds with my own understanding of that arrangement.

I have the honor to be, sir,
Your obedient servant,

CHARLES E. HUGHES.

JAPANESE EMBASSY,
Washington, April 10, 1924.

SIR: In view of certain statements in the report of the House Committee on immigration (Report No. 350, March 24, 1924), regarding the so-called "gentlemen's agreement," some of which appear to be misleading, I may be allowed to state to you the purpose and substance of that agreement as it is understood and performed by my Government, which understanding and practice are, I believe, in accord with those of your Government on this subject.

The gentlemen's agreement is an understanding with the United States Government by which the Japanese Government voluntarily undertook to adopt and enforce certain administrative measures designed to check the emigration to the United States of Japanese laborers. It is in no way intended as a restriction on the sovereign right of the United States to regulate its immigration. This is shown by the fact that the existing immigration act of 1917, for instance, is applied to Japanese as to other aliens.

It was because of the fact that discriminatory immigration legislation on the part of the United States would naturally wound the national susceptibilities of the Japanese people that, after thorough but most friendly and frank discussions between the two Governments, the gentlemen's agreement was made for the purpose of relieving the United States from the possible unfortunate necessity of offending the natural pride of a friendly nation.

The Japanese Government have most scrupulously and faithfully carried out the terms of the agreement as a self-imposed restriction, and are fully prepared to continue to do so, as officially announced at the time of the conclusion of the present treaty of commerce and navigation between Japan and the United States. In return the Japanese Government confidently trusts that the United States Government will recommend, if necessary, to the Congress to refrain from resorting to a measure that would seriously wound the proper susceptibilities of the Japanese nation.

One object of the gentlemen's agreement is, as is pointed out above, to stop the emigration to the United States of all Japanese laborers other than those excepted in the agreement, which is embodied in a series of long and detailed correspondence between the two Governments, publication of which is not believed to serve any good purpose, but the essential terms and practice of which may be summed up as follows:

(1) The Japanese Government will not issue passports good for the continental United States to laborers, skilled or unskilled, except those previously domiciled in the United States, or parents, wives, or children under 20 years of age of such person. The form of the passport is so designed as to omit no safeguard against forgery, and its issuance is governed by various rules of detail in order to prevent fraud.

The Japanese Government accepted the definition of "laborer" as given in the United States Executive order of April 8, 1907.

(2) Passports are to be issued by a limited number of specially authorized officials only, under close supervision of the foreign office, which has the supreme control of the matter and is equipped with the necessary staff for the administration of it. These officials shall make thorough investigations when application for passports is made by students, merchants, tourists, or the like to ascertain whether the applicant is likely to become a laborer, and shall enforce the requirement that such person shall either be supplied with adequate means to insure the permanence of his status as such or that surety be given therefor. In case of any doubt as to whether such applicant is or is not entitled to a passport the matter shall be referred to the foreign office for decision.

Passports to laborers previously domiciled in the United States will be issued only upon production of certificate from Japanese consular officers in the United States, and passports to the parents, wives, and children of such laborers will be issued only upon production of such consular certificate and of duly certified copy of official registry of members of such laborer's family in Japan. Utmost circumspection is exercised to guard against fraud.

(3) Issuance of passports to so-called "picture brides" has been stopped by the Japanese Government since March 1, 1920, although it had not been prohibited under the terms of the gentlemen's agreement.

(4) Monthly statistics covering incoming and outgoing Japanese are exchanged between the American and Japanese Governments.

(5) Although the gentlemen's agreement is not applicable to the Hawaiian Islands, measures restricting issuance of passports for the islands are being enforced in substantially the same manner as those for the continental United States.

(6) The Japanese Government is further exercising strict control over emigration of Japanese laborers to foreign territories contiguous to the United States in order to prevent their surreptitious entry into the United States.

A more condensed substance of these terms is published in the annual report of the United States Commissioner General of Immigration for 1908, 1909, and 1910, on pages 125–126, 121 and 124–125, respectively.

As I stated above, the Japanese Government has been most faithfully observing the gentlemen's agreement in every detail of its terms, which fact is, I believe, well known to the United States Government. I may be permitted in this connection to call your attention to the official figures published in the annual reports of the United States Commissioner General of Immigration, showing the increase or decrease of Japanese population in the continental United States by immigration and emigration. According to these reports (see Table B of the annual reports), in the years 1908–1923 the total numbers of Japanese admitted to and departed from the continental United States were, respectively, 120,317 and 111,636. In other words, the excess of those admitted over those departed was in 15 years only 8,681—that is to say, an annual average of 578. It is important to note that in these 8,681 are included not only those who are covered by the terms of the gentlemen's agreement but all other classes of Japanese, such as merchants, students, tourists, Government officials, etc. These figures, collected by the United States immigration authorities, seem to me to show conclusively the successful operation of the gentlemen's agreement. Besides this, there is, of course, the increase through birth of the Japanese population in the United States. This has nothing to do with either the gentlemen's agreement or the immigration laws.

I may add in this connection that if the proposition were whether it would not be desirable to amend or modify some of the terms of the agreement, the question would be different, and I personally believe that my Government would not be unwilling to discuss the matter with your Government if such were its wishes.

Further, if I may speak frankly, at the risk of repeating what, under instructions from my Government, I have represented to you on former occasions, the mere fact that a certain clause, obviously aimed against Japan as a nation, is introduced in the proposed immigration bill, in apparent disregard of the most sincere and friendly endeavors on the part of the Japanese Government to meet the needs and wishes of the American Government and people, is mortifying enough to the Government and people of Japan. They are, however, exercising the utmost forbearance at this moment, and in so doing they confidently rely upon the high sense of justice and fair play of the American Government and people, which, when properly approached, will readily understand why no such discriminatory provision as above referred to should be allowed to become a part of the law of the land.

It is needless to add that it is not the intention of the Japanese Government to question the sovereign right of any country to regulate immigration to its own territories. Nor is it their desire to send their nationals to the countries where they are not wanted. On the contrary, the Japanese Government showed from the very beginning of this problem their perfect willingness to cooperate with the United States Government to effectively prevent by all honorable means the entrance into the United States of such Japanese nationals as are not desired by the United States, and have given ample evidences thereof, the facts of which are well known to your Government. To Japan the question is not one of expediency but of principle. To her the mere fact that a few hundreds or thousands of her nationals will or will not be admitted into the domains of other countries is immaterial, so long as no question of national susceptibilities is involved. The important question is whether Japan as a nation is or is not entitled to the proper respect and consideration of other nations. In other words, the Japanese Government ask of the United States Government simply that proper consideration ordinarily given by one nation to the self-

respect of another, which after all forms the basis of amicable international intercourse throughout the civilized world.

It is, indeed, impossible for my Government and people, and I believe it would be impossible also for your Government and for those of your people who had made a careful study of the subject, to understand why it should be necessary for your country to enact as the law of the land such a clause as section 12 (b) of the House immigration bill.

As is justly pointed out in your letter of February 8, 1924, to the chairman of the House Committee on Immigration, it is idle to insist that the provision is not aimed at the Japanese, for the proposed measure (section 25) continues in force your existing legislation regulating Chinese immigration and the barred-zone provisions of your immigration laws which prohibit immigration from certain other portions of Asia, to say nothing about the public statements of the sponsors and supporters of that particular provision as to its aim. In other words, the manifest object of the said section 12 (b) is to single out Japan as a nation, stigmatizing them as unworthy and undesirable in the eyes of the American people. And yet the actual result of that particular provision, if the proposed bill becomes the law as intended, would be to exclude only 146 Japanese per year. On the other hand, the gentlemen's agreement is, in fact, accomplishing all that can be accomplished by the proposed Japanese exclusion clause except for those 146. It is, indeed, difficult to believe that it can be the intention of the people of your great country, who always stand for high principles of justice and fair play in the intercourse of nations, to resort—in order to secure the annual exclusion of 146 Japanese—to a measure which would not only seriously offend the just pride of a friendly nation, that has been always earnest and diligent in its efforts to preserve the friendship of your people, but would also seem to involve the question of the good faith and therefore of the honor of their Government, or at least of its executive branch.

Relying upon the confidence you have been good enough to show me at all times, I have stated or rather repeated all this to you very candidly and in a most friendly spirit, for I realize, as I believe you do, the grave consequences which the enactment of the measure retaining that particular provision would inevitably bring upon the otherwise happy and mutually advantageous relations between our two countries.

Accept, sir, the renewed assurances of my highest consideration.

M. HANIHARA.

Hon. CHARLES E. HUGHES,
Secretary of State.

Mr. SHORTRIDGE. Mr. President, I do not rise to reply to this extraordinary communication from the ambassador of Japan. It is a specious, verbose communication. I hold myself ready, however, at a later stage to reply to many of his statements which I now in advance say are unfounded in fact. Over and against the substance of that communication, and particularly in so far as it undertakes to state the terms and scope of the so-called gentlemen's agreement, I place the statement of a former President of the United States, Theodore Roosevelt. As to this so-called gentlemen's agreement working successfully, I now reply that it has worked successfully to Japan, but not to California or to the United States.

Mr. President, I beg to add that I shall later make reply to the statements contained in this communication, which, in my judgment and according to my belief, based upon as accurate information as can be obtained, can not be sustained.

Mr. KING obtained the floor.

Mr. JOHNSON of California. Mr. President, will the Senator from Utah yield to me for just a moment?

Mr. KING. I wish to make a request in connection with the communication to which the junior Senator from California [Mr. SHORTRIDGE] has replied.

Mr. JOHNSON of California. I merely wish to make an inquiry.

Mr. KING. I yield to the Senator.

Mr. JOHNSON of California. I wish to ask if the Secretary of State transmitted his reply or the reply of the United States Government to the astonishing communication which has just been read?

The PRESIDING OFFICER. That document has not been sent to the desk, in any event.

Mr. SHORTRIDGE. Mr. President, I understood the Senator from Rhode Island [Mr. COLT] to say that the reply of our Secretary of State was to be read.

Mr. COLT. Mr. President, I had supposed——

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

Mr. KING. I yield.

Mr. COLT. I had supposed that the reply of the Secretary of State was among the papers which I sent to the desk, though it may have become detached. If so, I will get it from my office and have it read. It is very short, comprising but a few lines, and it ought to be read in order to complete the matter.

Mr. KING. Mr. President, in view of the statement made by the junior Senator from California [Mr. SHORTRIDGE] that he holds himself ready to reply to what he denominates "this extraordinary communication"—and I have no doubt he will address himself to it—the importance of the communication seems to me is such as to call for its being printed promptly, so that Senators may have the opportunity of having it before them during the discussion. I should be glad if the chairman of the committee—and I think he has full authority—will take steps to have this communication printed and laid upon our desks this afternoon, together with the letter of the Secretary of State accompanying the communication.

Mr. COLT. Mr. President, may I interrupt the Senator at this moment?

Mr. KING. I yield the floor.

Mr. COLT. The Secretary's reply was with the papers, but owing to some inadvertence the reading was omitted.

The PRESIDING OFFICER. The reply of the Secretary of State having been discovered, it will now be read for the information of the Senate.

The reading clerk read as follows:

APRIL 10, 1924.

EXCELLENCY: I have the honor to acknowledge the receipt of the note of April 10, in which, referring to the recent report of the Committee on Immigration and Naturalization of the House of Representatives (Rept. No. 350, March 24, 1924), you took occasion to state your Government's understanding of the purport of the so-called "gentlemen's agreement" and your Government's practice and purposes with respect to emigration from Japan to this country.

I am happy to take note of your statement concerning the substance of the so-called "gentlemen's agreement" resulting from the correspondence which took place between our two Governments in 1907–8, as modified by the additional undertaking of the Japanese Government with regard to the so-called "picture brides," which became effective four years ago. Your statement of the essential points constituting the gentlemen's agreement corresponds with my own understanding of that arrangement.

Inasmuch as your note is directed toward clearing away any possible misapprehension as to the nature and purpose of the "gentlemen's agreement," I am taking occasion to communicate copies of it, as also of my present reply, to the chairmen of the appropriate committees of the two Houses of Congress.

Accept, Excellency, the renewed assurance of my highest consideration.

Mr. KING. Mr. President, I again invite the attention of the chairman of the Committee on Immigration to the communications which have just been submitted. In view of the fact that this subject will come up for discussion perhaps this afternoon or early to-morrow morning—I am speaking now of the Japanese question—and in view of the communications which have just been submitted by the Secretary of State and the ambassador of Japan, it occurs to me that it is important that we have these communications printed at as early a date as possible so that Senators may have the advantage of them in the discussion.

Mr. COLT. I entirely agree with the Senator.

Mr. KING. If the Senator will take steps to have that done, and he has the power, I shall be very glad.

RESTRICTION OF IMMIGRATION

Mr. REED of Pennsylvania. Mr. President, I had hoped that we would be able to-day to finish Senate bill 2576, the immigration bill, and, if necessary, by means of a session to-night. It would, however, be inconvenient to so many Senators that they have asked me that the request be withheld. I now only wish to say that I think everyone desires to complete the consideration of the immigration bill to-morrow and, if necessary, I shall ask the Senate to sit to-morrow night in order finally to dispose of it. Meanwhile, Mr. President, I ask that the immigration bill be temporarily laid aside in order to allow the completion of the consideration of the appropriation bill.

The PRESIDING OFFICER. The Chair holds that that was done by unanimous consent on yesterday, and that without asking for the regular order, the appropriation bill is now in order anyway.

INDEPENDENT OFFICES APPROPRIATIONS

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 8233) making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, and offices for the fiscal year ending June 30, 1925, and for other purposes.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the committee on page 23.

Mr. ROBINSON. I ask to have the pending amendment stated.

The PRESIDING OFFICER. The amendment will be read.

The READING CLERK. On page 23, after the numerals "$671,980," the committee proposes to strike out the following proviso:

Provided, That no part of this appropriation shall be used to pay the salary of any member of the United States Tariff Commission who shall hereafter participate in any proceedings under said sections 315, 316, 317, and 318 of said act, approved September 21, 1922, wherein he or any member of his family has any special, direct, and pecuniary interest, or in respect to the subject matter of which he has acted as attorney, legislative agent, or special representative.

Mr. ROBINSON. Mr. President, on the 4th of April the Senate considered a resolution expressing the opinion of this body that members of the Tariff Commission should not participate in investigations and decisions in which they or the members of their immediate families may have a pecuniary interest. Speaking upon the resolution, I presented to the Senate the facts and circumstances which have given rise to the necessity, in my judgment, for some action upon the part of Congress respecting the subject.

In a case before the Tariff Commission, a member of that body, Mr. Glassie, insisted upon taking part, notwithstanding the fact that he admitted in the proceedings that his wife and her brothers were the owners of a sugar business in the State of Louisiana, and notwithstanding the fact that the investigation before the commission related to the sugar business. The details of the facts are set forth in a statement by Mr. Glassie himself which I read into the RECORD; but the issue involved in the resolution and in the amendment now before the Senate is of broad and general importance.

The Tariff Commission was created for the purpose of furnishing to the executive and the legislative departments of the Government accurate and impartial information upon which legislation in the public interest may be based. I make the assertion, and I challenge the attention of Senators to this statement, that there can be no justification for the Government to maintain a Tariff Commission to look after special interests, or to make findings of fact and to render decisions designed to promote the personal profit of the members of the commission, or for the pecuniary advantage of those who are related to them or associated with them in business. If I have to argue to the United States Senate the correctness of that statement as a political and an economic principle, I might just as well abandon any effort to secure action upon this important subject.

Mr. President, one of the great difficulties confronting our Government now arises out of the fact that business and government have become closely interwoven. Many are of the opinion that government exists partly for the promotion of private interests and to confer special benefits, as against the fundamental principle that our Government exists for the protection of the public and for benefits to the public. I have no sympathy with the opinion that seems to be growing throughout the United States that business men generally are dishonest and American business enterprises are generally corrupt; but do you know, sirs, that the practice to which Mr. Glassie has loaned himself—the violation of the principle involved in the resolution to which I have referred and in the amendment now under consideration—have contributed more to discredit the integrity of American business than any other practice with which I am familiar in our governmental system.

The correct theory, it seems to me, is that the members of the Tariff Commission manifestly, both in their investigations and in their decisions, ought to be free from any personal influence or private purpose reasonably calculated to pervert their judgments and to bias or prejudice their decisions. I ask you if it is not true that the whole course of human experience tends to show that men subconsciously are influenced, in spite of an earnest purpose to act free from such influences, by advantages which may accrue through their action to themselves or to those intimately related to them?

Who dares defend the principle that any man, however honest and incorruptible, is entitled to be a judge in his own case? Who in the Senate dares to stand for the assertion that a public officer may himself be the sole judge as to whether he can be trusted to divest himself of those natural sympathies and prejudices which arise in the breasts and brains of men when they are called upon to discharge public duties the result of which affects their own personal advantage or pecuniary interest?

Mr. RALSTON. Mr. President——

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

Mr. ROBINSON. I yield with pleasure to the Senator from Indiana.

Mr. RALSTON. I want to ask the distinguished Senator from Arkansas if it is not a recognized fact that an upstanding man will go further to protect the rights of his wife than he will to protect his own rights?

Mr. ROBINSON. Undoubtedly. It is characteristic of American manhood that our men will go further to secure advantage for a wife than for themselves; and I declare that I would rather trust a man to be a judge in his own case than to be a judge in his wife's case, saving instances in which the husband might feel compelled to take advantage of his opportunity to avenge wrongs inflicted upon him by his wife. The relationship between the husband and the wife is so intimate, if it is amicable, that to declare to any person of sound sense that a husband would be unbiased in his wife's favor in a case which involves her interest is to state a manifest absurdity.

During the proceedings before the Tariff Commission to which I have referred, in which Mr. Commissioner Glassie insisted upon participating, notwithstanding the fact that his wife and her brothers appeared to have a pecuniary interest in the case, it developed that three other members of the commission thought he had no right to sit, and that the issue as to whether he should participate in the determination of the case was decided by his own vote. Commissioners Culbertson, Costigan, and Lewis, in language which I read to the Senate on a former occasion, expressed in the strongest possible terms their condemnation of the principle involved in the action of Mr. Commissioner Glassie; and when the vote was taken the effort to disqualify him failed solely because Mr. Commissioner Marvin and Mr. Commissioner Burgess joined Mr. Commissioner Glassie in voting that he was not disqualified and should participate, and therefore there was no majority.

Commissioner Marvin had been the secretary of the Home Market Club in the city of Boston, admittedly an organization composed of manufacturers, all interested in and devoted to the principle of high protection. I made a statement on the floor of the Senate respecting the activities and relations of Mr. Marvin on the occasion of a former address, in which I coupled his name with the wool interests. In an important particular that statement appears to have been inaccurate. He himself, in a letter addressed to me, has set forth in detail his associations and relations, in so far as they reflect upon this issue, prior to the time that he became a member of the commission. I am going to have printed in the RECORD as a part of my remarks the entire letter of Mr. Marvin. It is just and fair that this shall be done. I call attention to some of the important statements in the letter. He says:

You are entitled to know the facts which are as follows: In January, 1911, I became assistant secretary of the Home Market Club, "a corporation, organized under the laws of Massachusetts, to promote the cause of protection to American industries and other sound ideas in political science." The Home Market Club is an economic, not a political organization, and is national, not local, in its scope. It is not interested in any special group of manufacturers or in any sectional industry. In January, 1912, I became secretary of the organization and retained that position until I was appointed a member of the Tariff Commission by President Harding in March, 1921.

Prior to 1911 I was engaged in newspaper and magazine work with the exception of a few years during which I operated an asbestos mine in Quebec. These facts show that I was not in any way or at any time a confidential associate with and representative of the wool interests in tariff legislation. I presume that you had reference to the tariff act of 1909, and particularly to Schedule K of that act. I was not associated in any way with any group of manufacturers at that time and was not in Washington at all while that bill was under consideration. The only tariff revision while I was secretary of the Home Market Club was the Underwood Act of 1913. I was in Washington during the consideration of that bill and reported proceedings for the Protectionist, a monthly magazine published by the Home Market Club and of which I was editor. I did not act in Washington while that bill was pending as a representative of the wool manufacturers or any other special group of manufacturers. I addressed the Ways and Means Committee on the general policy of protection with special reference to the revenue-producing features of a protective tariff, and read a statement on the tariff history of the paper industry.

I ask leave to have printed in the RECORD the entire letter.

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

(See Appendix A.)

Mr. ROBINSON. The other member of the commission who supported the right of Mr. Glassie to try a case in which his family were interested, Mr. Burgess, was formerly a representative of the pottery interests.

I refer to these facts and circumstances to show how the commissioner maintained his right to sit in the sugar case and to emphasize the importance of the principle involved in the amendment now before the Senate. I do not believe that the attitude of Messrs. Marvin, Burgess, and Glassie on this question is supported by the American people generally, or by the sound business interests of this country. If their attitude is supported by business generally, it is a regrettable circumstance, and one which has contributed to the mistrust which many feel respecting the integrity of American business generally, and in which, as I said, I do not share.

I propose, to save time, to print in the RECORD a statement by Mr. Irving Fisher, who is a professor of political economy in one of the great educational institutions of the country, and statements by representatives of business and farm organizations generally throughout the country, showing that the course of Mr. Glassie is obnoxious to the public generally, and that it will inevitably result in undermining public confidence in the Tariff Commission. Once the people of this country come to the conclusion that the Tariff Commission is composed of representatives of special interests who sit and act for the promotion of the pecuniary advantages of special interests they represent; once the country reaches the conclusion that the practice of the Tariff Commission permits members of that body to adjudge their own cases, or the cases of their immediate families, the usefulness of the commission will terminate forever.

I ask leave to have printed in the RECORD as a part of my remarks the statement of Mr. Irving Fisher, and statements by other prominent men and representatives of organizations and various interests.

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

(See Appendix B.)

Mr. HARRELD. Mr. President——

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

Mr. ROBINSON. I yield.

Mr. HARRELD. The Protectionist magazine for April prints an article containing this statement:

> President Chester A. Arthur, in his first annual message, recommended the creation of a tariff commission, and Congress passed an act in accordance with his recommendation. The members of that commission were John L. Hayes, of Massachusetts, secretary of the National Association of Wool Manufacturers; Henry W. Oliver, jr., of Pennsylvania, an iron manufacturer; Austin M. Garland, of Illinois, a wool-grower; Duncan F. Kenner, of Louisiana, a sugar grower; Jacob A. Ambler, of Ohio, an ex-Member of Congress; Robert P. Porter, of Washington, D. C., an expert in the Census Office; John W. H. Underwood, of Georgia, long in public life in the South; Alexander R. Boteler, of West Virginia; and William H. McMahon, of the New York customhouse, widely experienced in tariff laws.

Mr. ROBINSON. From what is the Senator reading?

Mr. HARRELD. It is an article from The Protectionist. I want to ask the Senator a question. I agree with the Senator that no man whose personal financial interests are concerned, or whose family's financial interests are concerned, should be sitting on a board of this sort; but I ask the Senator if there was ever any scandal growing out of the fact that these men represented various interests whose very tariff schedules were being investigated by themselves, in so far as it relates to an industry? I differ from the Senator in his contention that this board ought to be filled up with men who never had any experience——

Mr. ROBINSON. How does the Senator arrive at the conclusion that I have made any such contention? I have said nothing of the kind, I have thought nothing of the kind, and I must declare that the Senator's mental process by which he arrives at the conclusion that I have declared that the membership of the Tariff Commission ought to be made up of persons who have never had any experience is absolutely beyond my comprehension.

Mr. HARRELD. Then I misunderstood the Senator.

Mr. ROBINSON. I said this: That if the public reached the conclusion that the Tariff Commission existed for the purpose of promoting special interests and of permitting members of the Tariff Commission to promote the pecuniary interests of themselves and their families, public confidence in the commission would be undermined and the commission would be useless. I repeat that.

Mr. HARRELD. The point I am making is that these men referred to in this magazine all represented special interests, and there was no undermining of public confidence by their acts.

Mr. NORRIS. I would like to call the attention of Senators to the fact that the Tariff Commission named by the Senator from Oklahoma existed under a law passed a great many years ago, and their duties were entirely different from those of the present Tariff Commission. Their jurisdiction was less. The importance of the work was not so great. They were not to be compared with the present Tariff Commission, and there were different things expected of them. They were not semijudicial persons, as the commissioners of the present Tariff Commission ought to be. I think that is an important thing to be considered.

Mr. ROBINSON. All that is true, and it is important. Does the Senator from Oklahoma believe that it is just to the American people, that it is consistent with sound public policy, to appoint a Tariff Commission of former lobbyists, of persons who formerly represented special interests in securing tariff legislation? Does the Senator from Oklahoma put his seal of approval upon a proposal to set up a public body for the purpose of promoting the pecuniary advantage of the members of that body? Why, certainly not.

Mr. SHIPSTEAD. Mr. President——

The PRESIDING OFFICER (Mr. WADSWORTH in the chair). Does the Senator from Arkansas yield to the Senator from Minnesota?

Mr. ROBINSON. I yield.

Mr. SHIPSTEAD. I ask the Senator if it has not been a long-established custom to appoint members of commissions from among men who were lobbyists for special interests?

Mr. ROBINSON. I do not know what the custom has been, further than appears from the statement just read by the Senator from Oklahoma, and further than that it may be implied from the statement of the Senator from Nebraska [Mr. NORRIS]. But whatever the custom may be, I think that members of the Tariff Commission ought to be possessed of broad experience and of great learning touching the subjects with which they deal. In order to secure men of that character and of that ability it may be necessary and even advisable to take men who have had interests in tariff legislation. But lobbyists should not be appointed, and when we find it necessary to select men who have formerly had relationships with highly protected interests they ought to separate themselves from those interests and they ought, after they go on the commission, to represent the public. If Senators can not agree with me on that, our views are, indeed, irreconcilable.

Mr. HARRELD. Mr. President——

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

Mr. ROBINSON. Certainly.

Mr. HARRELD. I do not disagree at all with the statement the Senator has just made. I may have been mistaken when I understood him to say that the members of the Tariff Commission should not be interested in any subject that is likely to come before the commission. I may have been mistaken in that understanding.

Mr. ROBINSON. I did say, and I am so satisfied it is right that I do not object to repeating it for the benefit of the Senator from Oklahoma, that no man on any judicial tribunal or quasi-judicial tribunal ought to sit in any proceeding when the result of his action would be to his own pecuniary advantage or disadvantage. Common decency requires him to leave to his associates the right to determine cases in which he or his family may be personally interested.

Mr. BAYARD. Mr. President——

Mr. ROBINSON. I yield to the Senator from Delaware.

Mr. BAYARD. I suggest to the Senator from Arkansas that in nearly all our public utility commission laws throughout the country there is a specific provision that no man shall become a member unless he shall have sold any public-utility bonds or stocks or securities which he theretofore may have held, and that none shall be held by him during the term of his service on the commission.

Mr. ROBINSON. And what is the object of such a provision?

Mr. BAYARD. Only one—to make that man absolutely fearless and unafraid when he comes to give his decision.

Mr. ROBINSON. Of course.

Mr. CARAWAY. And the same rule prevails under the Federal reserve act and as to the Federal Farm Loan Board and every governmental agency. A man has not only to separate himself but has to swear that he has done so.

Mr. ROBINSON. Yes; that principle is right, and no number of violations of it can overcome the right of the public to an impartial tribunal. Why should the men who work in the

fields and the factories, the men who are engaged in various activities, establish and maintain a tribunal through which the members of that tribunal may vote themselves profits at the public expense?

Mr. CARAWAY. Mr. President, may I ask the Senator another question?

Mr. ROBINSON. I gladly yield to my colleague.

Mr. CARAWAY. I understand the particular commissioner whose actions brought the resolution before the Senate not only insists upon passing upon his own interests but has such a lack of propriety that he voted for himself that he is competent when that question was being raised before the commission.

Mr. ROBINSON. Oh, yes. He actually determined in a quasi-judicial determination that he is not biased or prejudiced and decided that he is the sole living person competent to consider or pass upon his bias or prejudice.

Mr. CARAWAY. Is it not such a lack of sense of propriety that a man should insist upon passing on his own qualifications when that question is raised that it itself is conclusive of his lack of qualification?

Mr. ROBINSON. It is, to my mind. I do not know how it addresses itself to the minds of others who think that a public officer has a right to sit in his own case and decide it in his own favor.

Mr. CARAWAY. I wonder if those same Senators would think a juror would be the judge of whether he would be biased when it was disclosed that he was interested in a case before the court?

Mr. ROBINSON. Or a judge whose right to sit in the case is restricted in instances according to law?

The statement just made by my colleague is illustrative of the principle involved in the amendment. The amendment is an honest provision. It can not do injustice to anybody. It will not work hardship on any business. It states in effect that no money appropriated in the bill shall be used to pay the salary of a member of the Tariff Commission who shall hereafter participate in proceedings where he or any member of his family has any special, direct, and pecuniary interest or in respect to the subject matter of which he acted as attorney, legislative agent, or special representative.

The issue is clear. Senators, do you want to appropriate public money to pay members of the Tariff Commission for deciding their own cases or cases in which their families are interested? If you do, you will vote against my amendment. Do you think it is right to pay a salary to a tariff commissioner for sitting in a case touching the subject matter of which he was the legislative representative or lobbyist? It is unconscionable, in my judgment, to ask the public to pay for the services on the Tariff Commission of a lobbyist in connection with the very subject matter about which he lobbied.

If it is true, as is implied in the statement of the Senator from Oklahoma, that the law as it is now framed does not forbid the selection of lobbyists for membership on the Tariff Commission, the limitation in the pending amendment that if there are members of the Tariff Commission who were formerly lobbyists they shall not sit in cases which affect the interests for which they lobbied becomes the more necessary. I would not like to see anyone in the Senate or elsewhere defend the contrary principle. It is bad enough to have a Tariff Commission composed in part of those who have been representatives of special interests, but it is unspeakable to declare that we shall create a quasi judicial tribunal and place on it one who was formerly a lobbyist and pay him for determining cases involving the subject matter which he formerly represented as a lobbyist.

Mr. President, in connection with the statement of Mr. Irving Fisher and others which I had printed in the RECORD, I ask to have printed also as a part of my remarks a short brief published by the Fair Tariff League, and if that is done I shall conclude for the present my discussion of the pending amendment.

The PRESIDING OFFICER. Without objection, permission is granted.

(See Appendix C.)

APPENDIX A

UNITED STATES TARIFF COMMISSION,
Washington, April 7, 1924.

Senator JOSEPH T. ROBINSON,
Senate Office Building, Washington, D. C.

MY DEAR SENATOR ROBINSON: In the course of your speech Friday on Senate Resolution 131 you said: "Mr. Marvin, as I remember, was a very influential and, during the consideration and passage of one tariff bill at least, a very confidential associate with and representative of the wool interests in tariff legislation."

You are entitled to know the facts, which are as follows: In January, 1911, I became assistant secretary of the Home Market Club, "a corporation organized under the laws of Massachusetts to promote the cause of protection to American industries and other sound ideas in political science." The Home Market Club is an economic, not a political, organization, and is national, not local, in its scope. It is not interested in any special group of manufacturers or in any sectional industry. In January, 1912, I became secretary of the organization, and retained that position until I was appointed a member of the Tariff Commission by President Harding in March, 1921.

Prior to 1911 I was engaged in newspaper and magazine work, with the exception of a few years during which I operated an asbestos mine in Quebec. These facts show that I was not in any way or at any time a confidential associate with and representative of the wool interests in tariff legislation. I presume that you had reference to the tariff act of 1909, and particularly to Schedule K of that act. I was not associated in any way with any group of manufacturers at that time and was not in Washington at all while that bill was under consideration. The only tariff revision while I was secretary of the Home Market Club was the Underwood Act of 1913. I was in Washington during the consideration of that bill and reported proceedings for the Protectionist, a monthly magazine published by the Home Market Club, and of which I was editor. I did not act in Washington while that bill was pending as a representative of the wool manufacturers or any other special group of manufacturers. I addressed the Ways and Means Committee on the general policy of protection, with special reference to the revenue-producing features of a protective tariff, and read a statement on the tariff history of the paper industry.

This brief summary shows that the only tariff revision that occurred while I was secretary of the Home Market Club was that of 1913, upon which it could not be assumed that I had any particular influence.

During the hearings before the Ways and Means Committee in 1921 I submitted to Republican and Democratic members of the committee a table of the tariff rates of 1909, 1913, and the proposed rates of the House bill, arranged in parallel columns for easy reference, and without argument or discussion of any kind.

After becoming a member of the Tariff Commission I was called before the Finance Committee, with other members of the commission, to comment upon the proposed American-valuation plan. This was in line with routine official duties, and is the only time that I appeared before a committee of Congress during a Republican revision of the tariff. My work along tariff lines prior to coming to Washington has been writing and speaking on tariff questions and economic subjects.

You will pardon my calling this matter to your attention, but all that I know of your work has convinced me that it is your effort to be fair to every man. I am not asking that any record be made of this brief recital of facts, but submit it for your information, as erroneous impressions have been created by incorrect and misleading statements that have appeared in the press from time to time.

Sincerely yours,

THOMAS O. MARVIN.

APPENDIX B

I most emphatically protest against Commissioner Glassie of the Tariff Commission participating in the sugar hearing before that body, because of his family interest in sugar, and I most emphatically believe that the rule advocated by Culbertson, Costigan, and Lewis against allowing any commissioner to sit in a case in which he is financially interested should be adopted and enforced. Otherwise the Tariff Commission loses the respect of decent citizens. We have enough such scandals already.

IRVING FISHER.

Every citizen who wants a square deal should stand by the Fair Tariff League in its demand that no member of the United States Tariff Commission shall sit in a case that involves his personal interests or any interests with which he is or has been long and intimately associated. We do not want politics in the tariff. We ask for a square deal for all citizens.

JOHN MORRIS,
Master Colorado State Grange.

If no law now written can bar Mr. Glassie, he is preparing the way for such measures throughout the length and breadth of our land. It is not fundamentally sound, not good economics, and not good for the minds of the great masses of America to know that he is arbitrarily insisting that he be the judge in his own case when so much is at stake for the welfare of America and American institutions.

T. E. HOWARD,
Director Farmers' Union of Colorado.

It is humanly impossible for any man to render an unbiased decision in a case where his finances are immediately concerned. The Fair Tariff League is certainly doing a good work in insisting on the ob-

servance of this rule, and I feel that the matter should be brought prominently to the attention of President Coolidge and the whole country.

RALPH SNYDER,
President Kansas State Farm Bureau Federation.

I protest against Commissioner Glassie of the Tariff Commission participating in any way where he or his family are directly or indirectly involved. Any man with a decent sense of justice would not act under such circumstances.

WILLIAM H. JOHNSTON,
President International Association of Machinists.

I note that Commissioner Glassie, of the United States Tariff Commission, insists upon participating in the sugar hearing now pending.

It should be perfectly obvious to any disinterested party that if a commissioner with especial interests in an industry under investigation by the commission fails to disqualify himself from that hearing, he should be disqualified by the President.

The Fair Tariff League should be one of the bodies to protest with all possible emphasis a proceeding of this nature.

J. P. NOONAN,
President International Brotherhood of Electrical Workers.

When Commissioner Glassie says his relatives have a $150,000 interest in the sugar tariff and that his conscience permits him to sit in judgment on the sugar tariff he misses the point.

It is the public conscience that is violated. He knows and everyone knows that interested testimony is usually prejudiced testimony. In sitting in this case he defies and denies a fundamental principle of law and morals.

E. H. FITZGERALD,
Grand President Brotherhood of Railway and Steamship Clerks.

We are thoroughly committed to the principle that no man should sit on a commission to decide questions in which he is directly or indirectly interested.

H. MART SMITH,
W. R. Grace & Co.

Every citizen interested in keeping his Government clean should demand that the situation described in the Tariff Commission is broken down and that the commission shall follow the usual judicial custom regarding personal interests in pending issues. If this is not done, then the Tariff Commission is a farce, and the only purpose it can serve is the selfish, biased interests of one-half its members.

W. W. KINCAID, *President Spirella Co.*

Count me in favor of the rule of disinterestedness as outlined in your letter concerning the Tariff Commission.

C. J. OSBORNE,
President Farmers' Union of Nebraska.

Neither members of the Tariff Commission nor any other judicial body should be allowed, either by law or by their own rule, to sit in judgment upon any matter in which they are pecuniarily interested.

J. F. REED,
President Minnesota Farm Bureau Federation.

Every pressure possible should be brought to bear to see that the public has that impartial hearing which no man can give in the position some of the members of the Tariff Commission are in as set forth in your letter.

A. D. CROSS,
Secretary Farmers' Union, Washington.

The Fair Tariff League should not only stand for the rule of disinterestedness in the Tariff Commission, but should make every effort for the removal of such commissioners as receive personal advantages from the raising of tariff rates. Their presence on the board conflicts with the spirit of its conception.

MARY ARCHER,
Democratic National Committee.

If there were no other good reason for opposition to Commissioner Glassie's position, certainly the fact that certain tariff-protected groups are endeavoring to secure in the Tariff Commission by way of precedent the perpetuation of interested commissioners sitting on measures in which they or their friends are interested is sufficient for the farmers to object.

Farmers want no benefits secured by that route, nor do they want others to avail themselves of opportunities of this kind. There is no fair chance for the farmer with stacked commissions administering laws. We want the farmer who is back home satisfied with the fitness of the type of men representing him, and having something to say about vacancies and the filling of vacancies.

GRAY SILVER,
Washington Representative, American Farm Bureau Federation.

The Fair Tariff League should take a decided stand for the rule of disinterestedness. If a man can try his own case, there is no use for the courts.

BEN T. SKEEN, *Farmers' Union, Nebraska.*

I certainly do favor the action proposed. It would seem an absolute necessity to observe the rule of disinterestedness in the Tariff Commission, of all places.

ELEANORE BAILY JOHNSON,
Zanesville, Ohio.

If Commissioner Glassie is interested in sugar plantations and factories, he certainly should not be allowed a voice in the sugar hearing. No fair-minded person could voice any other sentiment.

J. JAMES HOLLISTER,
President California Farm Bureau Exchange.

Good taste and propriety would indicate that he [Commissioner Glassie] refrain from voting, and in a small commission it seems to me unthinkable that a man would be willing to be placed in a position of voting under such conditions. If the members of the commission can not see the point, I think that they should be relieved of further service.

ALLEN B. POND,
Pond & Pond (Chicago).

NOT ASSOCIATED WITH THE FAIR TARIFF LEAGUE

I should think that the rule of excluding those who have personal interests should be adhered to in the consideration of tariff matters as well as anything else.

WILLIAM LOUDEN,
The Louden Machinery Co.

Inasmuch as the Tariff Commission is expected to render utterly unbiased decisions as to rates there would seem to be no question but that the commissioners participating in the decisions should have no pecuniary interest in the commodities to be considered. Even were the American people so trusting as to believe that an official could entirely forget his own interests, they would have no right to put a man to such a test.

EMILY NEWELL BLAIR,
Vice Chairman Democratic National Committee.

APPENDIX C

UNITED STATES TARIFF COMMISSION—SUGAR CASE

STATEMENT OF H. E. MILES, CHAIRMAN FAIR TARIFF LEAGUE

WASHINGTON, D. C., *February 11, 1924.*

UNITED STATES TARIFF COMMISSION,
Washington, D. C.

GENTLEMEN: Careful consideration of the official record of your hearings on the sugar tariff, January 15, 1924, requires the Fair Tariff League to submit the following brief:

That you are a quasi judicial body is evidenced by your own statement in the Norwegian Nitrogen Products case wherein you refer to the commission as exercising "quasi judicial power and authority conferred upon it by statute."

The present sugar investigation is subject to the review and authority of the President; but that does not alter your character. You can not be a quasi judicial body one day and the next day become, without change in the statute that created you, an irresponsible, self-interested group of personal advisers.

As with every other court or commission, you must exemplify the disinterested purity of the goddess of justice. Otherwise there is no reason for your existence unless an evil one.

What are the facts? Commissioner Glassie has a friendly or family interest of $150,000, par value $200,000, in this sugar investigation. We speak from the records. He has also had for many years intimate connections with the sugar interests who appear in this case and seek to continue to receive $48,000,000 of additional gross income annually from the present sugar tariff at a cost of $216,000,000 to the American people, which $216,000,000 the sugar tariff is adding to our sugar bill this year.

The part of this $200,000 interest that is closest to him is his wife's ownership of $14,000 of this $200,000 property, being the Columbia Sugar Co., a Louisiana corporation owning and operating a sugar plantation and mill. So says Mr. Glassie.

The remainder of the property is owned by Commissioner Glassie's four brothers-in-law and one sister-in-law, all of whom acquired their interests by inheritance from their father, Senator Caffrey, of Louisiana, long the high priest of high protection for Louisiana sugar.

Like Senator Caffrey probably, whose particular interest in sugar protection is here disclosed, Mr. Glassie insists that his mind can not be affected by this property interest, and that it is quite different in a husband's mind whether property belongs to his wife or himself. He seems to allow that if the property were his own he would be disqualified from sitting in this case. The statement itself disqualifies him. There is no man but is more concerned for the safety and increase of a small property belonging to his wife or to any related woman than in the same amount of his own property. We need not comment upon a man who insists upon sitting in a case the decision of which is likely to affect the income of his wife and relative by $20,000 to $30,000 per year and pleads disinterestedness as his excuse.

If Mr. Glassie thinks he can do this, and we do not question but he has brought himself to this conclusion, we can not doubt but it is because he believes that this larger income that will come to his family if this hearing is favorable to domestic sugar interests is substantially identical with the interest of the American public in paying a tariff tax of $216,000,000 a year for their sugar.

Mr. Basil Manly, director of the People's Legislative Service, in objecting to Mr. Glassie's position, suggested that under the rule that Mr. Glassie has set up "it would be necessary for any man to transfer whatever property interest he may have to his wife, and that he might then proceed to participate to a full extent in the hearing and in the decision or recommendations to be made to the President."

But Mr. Glassie goes further. He insists that nowhere "has it been held that ownership of stock in a company engaged in an industry which, as a whole, and over the entire country, or over a large section of it, is affected by a tax or a tariff or any other form of legislation, constitutes in law or in morals an interest in the subject matter of the litigation."

In other words, the president of the Great Western Sugar Co. that now makes $5,000,000 a year out of the sugar tariff, could, by relinquishing his official position, leave his seat by his counsel in your presence and sit in judgment in this sugar hearing unprejudiced by his stock holdings if he were made a commissioner.

If Mr. Glassie's contention is true, then the biggest stockholders in the companies making most out of a tariff rate and their friends are qualified for appointment to the Tariff Commission, and, as the official representative of the taxpayers of the United States, to advise the President of the United States upon what grounds he should raise or lower duties up to 50 per cent. The commission, on this basis, can be entirely composed of those who make most out of the tariff.

And Chairman Marvin, of your commission, in the name of the commission, thanks Mr. Glassie for "the high sense of public duty which has guided him" in his statement.

Mr. Glassie's participation in this case would not be permitted in any other court or place of adjudication in America or any other first-rate country. It is, by the way, reason for national humiliation that foreign parties interested in this case, Cubans in this instance, find themselves in the hands of a semijudicial tribunal in the United States thus vitiated. It is a pretty lesson for Cuba, to whom we seek to give lessons in government. This remark is not irrelevant because it is supremely important that the Tariff Commission maintain universal respect at home and abroad, as Commissioner Costigan has admirably indicated.

Commissioner Costigan has cited rules and court procedure so extensively as to show that this question is not only one of universal custom, but, as stated in Jefferson's Manual, the opposite course is "contrary not only to the laws of decency but to the fundamental principles of the social compact." To all this Mr. Glassie replies, in substance, "there is no procedure or method known to law whereby he can be tried and that only he can decide, and that he will decide."

The statutes relating to the Tariff Commission specifically state that "The commission is authorized to adopt such reasonable procedure, rules, and regulations as it may deem proper." Elsewhere it says "The President is authorized to make all needful rules and regulations" for the commission's procedure under the "flexible provisions," which are here concerned.

If Mr. Glassie is within the rules of the commission it is because, as its chairman has indicated, the commission will not establish the rule of decency and good conduct as described in Jefferson's Manual and in force in all other like bodies. Also let us think because the President finds that he can not or should not act.

The commission was prevented by Mr. Glassie's own vote from passing this rule which is desired by half its members, for it was Mr. Glassie's own vote added to two others of like mind that for some six months has prevented the adoption of this rule.

Mr. Glassie may be right. We only know that if he is right it is by an unintentional error of Congress because of which error Mr. Glassie takes sanctuary on the little platform where you now sit, 5 feet by 30 feet in area, a small part of the millions of square miles of American territory, and that a powerful high protectionist Republican will get him if Mr. Glassie is mistaken as to his sanctuary. Also, that a distinguished constitutional lawyer of Mr. Glassie's party has said that he should be impeached.

It is impossible, in fairness or justice, to limit the consideration of this subject to Mr. Glassie.

Mr. Glassie says that those who differ with him seek "to establish a precedent that would forever exclude from the consideration or investigation of an industry affected by a tariff duty, any commissioner * * * having a property interest in the industry," or, as Commissioner Costigan says "a long and intimate relation" with that industry. Precisely so.

Mr. Glassie's participation in this sugar case, with and because of the approval of his course by Commissioners Marvin and Burgess, will definitely establish, by precedent, that each of them and others in due time may officially determine, so far as their power goes, basis of facts and circumstances upon which duties shall be levied in behalf of industries with which they have been "long and intimately related," or perchance "have a property interest."

This precedent may affect this sugar case by $100,000,000 a year, not more. Applied generally to all products, however, it may cost the American people $2,000,000,000 a year—a sum so great that its application to the national debt would liquidate that debt in about 10 years, even if we were to forgive the obligations to us of all our recent allies except England.

We can see no reason, except a bad one, for the participation of interested officials in the determination of the facts and relationships underlying a conclusion of this importance.

The chairman of the commission, Mr. Marvin, makes it a matter of record that a motion was rejected by the commission, and we know it was by vote of himself, Mr. Glassie, and Mr. Burgess—a motion, says Mr. Marvin, declaring and defining, in addition to the statute itself, the qualifications of a member in the respects indicated.

The rule was rejected by vote of Mr. Glassie and two commissioners who come to this commission, hotfoot, from the long-time paid service of special interests exceedingly concerned in and profiting by excessive tariff rates. And these commissioners now refuse to engage not to use their full authority in matters concerning those interests when they come before the Tariff Commission. They support Mr. Glassie in his present position and might as well declare that they will follow his course upon opportunity.

Nor will these men act independently of one another. All civilized men, even ants and wolves, work in groups for the furtherance of their individual and joint interests. The man who will not step aside when his mind is warped by special interests and affiliations, past or present, will work with the other two of the same moral determination. It is necessarily, as with the Three Musketeers, "each for all and all for one." This is not conjecture. It is the record covering their entire relationship in this commission. By thus thinking alike and disregarding the rule concerning special interests which other commissions and courts declare to be a requirement of decency these three men have absolute control of this commission in this respect, that they can negative any and every attempt, or can limit and consciously or unconsciously misdirect any attempt, to apply the "flexible" and other provisions of the statutes under which they operate.

They see this. Witness Mr. Glassie's suggestion of what might possibly happen if he withdraws from this case with his family's $150,000 stake in this hearing. Everyone concedes that the remaining five commissioners would prosecute the case lawfully, but says Mr. Glassie, "It is possibly conceivable that three commissioners, constituting a clear majority of five, might have it in their power to affect unfairly and unjustly the recommendations" to the President.

Think of it! A majority of five might "unfairly and unjustly" affect the conclusions, which says he "any one commissioner," even himself with his $20,000 interest per annum, could not do.

In fact, he stays in this case because he knows that the power of the three men in question is broken if he withdraws and that his vote and theirs have the dominating force above indicated. This is not conjecture. It is the clear record of the past six months.

It is upon this prejudiced and blocked commission, if we read his message aright, that the President places the initial responsibility of tariff changes under the flexible provisions.

The disclosures of this hearing will show how unfortunate is this dependence.

If each of these men abstains from enforcing his judgment when the special interests with which he has been affiliated come before the commission, those interests will not be helped by the predispositions of that commissioner, and the majority vote of the remaining commissioners will be impartial on the whole, although even then a misjudgment by any one of the other three, uniting with the remaining two, may lead to a wrong conclusion, as in the lumber findings of the commission recently reversed by order of the President.

What the three together can do is indicated by the commission's refusal, by vote of these three, to investigate the vegetable-oils case, until last week they were ordered to do so by the President.

The commission has been authorized since its institution in 1916 to investigate and report upon any industry. It is common knowledge that these three commissioners have blocked the investigation of grossly

overprotected industries—investigations that might save the public hundreds of millions of dollars annually. These interests have the highest possible tariff rates now. All they want is this blocking of inquiry and consequent concealment of information. They are getting this—to the distress of the disinterested commissioners. If facts won't hurt these interests why did not the commission proceed to give the public the facts?

Doesn't everyone know that Congress requires the Tariff Commission to ascertain costs of production and all other data for use both of the President under the flexible provisions and Congress under its general powers? Doesn't everyone know that Congress appropriated an extra sum of $400,000 in September, 1922, 17 months ago, for the immediate and continuous use of the commission in investigating the fairness and desirability of the rates of duty enacted September 21, 1922?

A few people said the new law should be given a chance to prove itself before any rates were changed. That, however, was another matter. Germany investigated four years before enacting her great pre-war tariff.

Congress said investigate. You didn't.

Doesn't everyone know that when you did begin investigations six months later that instead of considering the vital items, steel, textiles, chinaware, glass, aluminum, and the four trusts then under indictment of the Federal courts for "arbitrary and excessive" price fixing—instead of investigating these and other great aggregations whose tariff rates cost the public annually one or two billion dollars, you began to investigate—what? Wooden handles for paint brushes, a chemical used in a gargle, wall pockets, artificial flowers, and, not the file trust, but Swiss files, tiny things used by jewelers and not made here in any quantity; not the plate glass trust, but only plate glass used for mirrors; not the overprotected hosiery industry, but only cotton hosiery for infants; and in short a list of 17 products of almost no concern to the public, excepting sugar which we here discuss, and casein, a product of milk?

Doesn't everyone know that this action was against the will of the commissioners known for 10 years to be utterly without selfish interest, and upon the insistence of the others?

Information from all sections of the country indicates a loss of public confidence in the commission. Confidence is a delicate thing. It can be retained only by an observance of the delicacies of every situation.

Mr. Glassie couldn't sit on a petit jury to determine damages if his wife's auto had run over a chicken. The majority of the other members of the commission have publicly protested against his action. It necessarily must distress them thus to voice the public conscience and custom in the matter. If Mr. Glassie would let his fellow-commissioners decide, he would have to withdraw. He is simply determined to enforce his own wishes and judgment so far as he can in a decision that may increase or lower the value of the property holdings of his relatives by upward of $50,000.

As the sugar tariff costs the American people $216,000,000, if Commissioner Glassie's judgment is warped 10 per cent, then any vote that he makes effective is liable to cost the American public $21,600,000. If 30 per cent, then $64,800,000 annually. Teapot Dome wouldn't be in it. Sinclair made only $100,000,000 gross out of that.

As Mr. Glassie says, his course establishes a precedent. If Mr. Burgess follows it, and the records assure us that he will, then his vote on the pottery schedule will be that of a man who for many years was the paid representative in Washington and elsewhere of some of the greatest of those interests, and during these years exercised for them a zeal in the procurement of the highest obtainable tariff rates on their goods that necessarily has shaped his mind beyond possibility of present entirely judicial consideration.

As a single instance, he did all in his power to have the importation of certain French chinaware advanced in value in the customhouse. He did not leave the matter to the judgment of the customhouse officials of the United States. He was in France together with special Treasury agents which latter, it appeared, he dominated, and brought back a lot of evidence which, when submitted on reappraisement in reappraisement cases to the general appraiser, was by the latter in his official report pronounced as "discredited," which word, lawyers tell us, means in common speech discreditable.

The fact that the judge in that case discredited his evidence indicates without any other illustration, of which there are many, how likely it may be that when he would determine the action of this semi-judicial and supposedly impartial tariff tribunal in respect to the pottery interests he could not do it safely and would be liable again to have set against his action the word "discredited." Why should the public suffer from even the suspicion of such a possibility? The public wants its commissioners to be, like Caeser's wife, above suspicion.

If Mr. Burgess is to exercise authority when the pottery cases come up, the public, or a great part thereof, will feel forced to believe that sugar has its vote on this commission, pottery has its, textiles its, and will wonder when steel, plate glass, and aluminum will have theirs, to determine by what right the latter so-called trusts are adding all of their duties plus freights on competing imports from Europe, and more, to their domestic prices, when they are known to produce more cheaply, or substantially as cheaply, as any competitors in the world. The people will wonder whether tariff fattened trusts now under indictment in Federal courts and others recently sent to jail for "arbitrary and excessive" price fixing are to be investigated, and what use anyway is this sort of tribunal. The public will feel helpless—a bad situation.

If Commissioner Marvin is to vote in respect to the interests that he has served with utter zeal for many years, what shred of reputation will be left in this fact-finding, so-called impartial, semijudicial, nonpartisan Tariff Commission?

The Home Market Club of Boston that Mr. Marvin served as secretary and general manager, if we may use the latter term, is one of the principal agencies of certain New England manufacturers, mostly of cottons, woolens, and silks, commonly known to have grossly exploited the tariff by the help of the Home Market Club. The Tariff Commission itself in various of its findings, and the records of Congress support this statement that their tariff rates are excessive.

The Home Market Club is commonly believed, we might say known, to have perverted public sentiment and public knowledge for tens of years. It opposed the creation of this semijudicial, fact-finding body, and this, in the confident belief of thousands or tens of thousands of informed Americans, because it didn't want the facts found out. Its members are high-class men but extremely partisan. They pursue this unhappy course because to many of them, as we will shortly prove, the tariff is like poker, a game of bluff and cunning, with a code quite different from ordinary morals; or in other cases, and there are many, their zeal is identical with that exhibited by Mr. Burgess in the pottery case cited.

As a fair illustration, the secretary of a similar New England tariff group, manufacturers of chemicals, was a party to the movement that resulted in the creation of this commission. He was honest and splendid and agreed that the chemical rates in the Dingley law were outrageous; and yet in the Payne revision he said, "I am Senator Aldrich's expert on the chemical schedule." The new rates largely duplicated those Dingley rates under which a great chemical manufacturer said that certain chemicals were being exported at one-third of domestic prices.

A New England member of the tariff committee of the National Association of Manufacturers, a magnificent manager of one of the world's greatest hardware factories, said that the tariff on wood screws was wicked; that he and others were exporting wood screws freely, and had been for years, at one-half their domestic prices. Said he, "This is all wrong; but when Congress invites us to, how can we help it?" The point is that when his schedule came up for revision in the Payne days he was in Washington helping to get a renewal of the Dingley rate, saying, "They're all doing it; why shouldn't I get our share?" He got it.

The point here again is that even the noblest of men must not be allowed to have anything to do with the adjudication of his own interests. It would be silly to say this to intelligent men were this commission not determined to permit the contrary.

Just so the National Association of Wool Manufacturers in Boston differed from Mr. Marvin's Home Market Club, in substance, only in being the woolen group with interlocking memberships and all that. In not a few cases the same men were officers of each organization. Its former secretary, Mr. C. N. D. North, is a sweet, honest gentleman.

When, however, the woolen duties that President Taft called indefensible and that Chairman Payne in shame and humiliation said he would correct "if only they would let him"—when these duties were up for revision in the Dingley days Mr. North came to Washington in the interest of the members of his association. Failing to get as frequent advices from him as they wanted, his Boston employers pressed him for information through the mails. Then Mr. North replied, in substance, "Don't worry; be sure I am looking after your interests. I am Senator Aldrich's confidential adviser on the woolen schedule." We have copies of the correspondence.

Another instance of a good man going wrong when he seeks to determine how much profit the public shall pay his employers or intimate associates, recent or present, through the tariff.

Mr. North reported that he "is the only one allowed in the meetings of the Finance Committee," and with one member absent "there is no one on the committee who knows anything about it." The leader of Mr. North's New England group in one of his orders to Mr. North said, "I depend upon your letting them [the Finance Committee] know what I need. I depend upon you. Dress goods, yarns, and tops." Seven weeks later, on July 25, 1897, the Dingley bill became a law with the wool schedule of 1867 changed to give this manufacturer of dress goods, yarns, and tops what he wanted. The law held for 12 years.

Said Charles H. Littlefield, Member of Congress from Maine, "We New Englanders know that the Dingley law was written by New England for New England." Was New England shocked? Mr. North's employers gave him an honorarium of $5,000 in addition to his salary for his service with the Senate committee.

Is this an old story? It is as fresh to-day as in 1897. Mr. North's schedule of 1897 was reenacted in the Payne law in 1909, despite the extreme opposition of Chairman Payne, whose name the law bears, and of President Taft, who called the schedule indefensible.

The same methods, in substance, of 1897 were used in 1909 with the same results and in 1921–22 with only such inadequate concessions as were necessitated.

The influence of members of the Home Market Club has been of much the same sort in silks and cottons. We have heard from high authority that an important member of the Home Market Club wrote with his lead pencil in Washington substantially every line of the cotton schedule in the Fordney bill.

Another authority says that the truth is worse than this.

What difference will the country see between the methods of Mr. North's employers in 1897 and Chairman Marvin's position? He leaves the employ not of woolen men only but of an organization chiefly directed by identically the same woolen men, so far as they are still alive, and by their tariff confederates in silk and wool and other lines.

Mr. Marvin is one day employee of these men and the next day, leaving that employ, he is a trustee of the public interest, passing upon the necessity that the American people take $3,000,000,000 annually from their pockets for the benefit of his former employers and others.

Should Mr. Marvin sit in textile cases? Is it, as he implies, a matter of his own conscience or a matter of the public conscience? If he does officiate in textile cases, will the commission command the full respect of those who will lose the $3,000,000,000?

We understand that Mr. Marvin is very conscientious—once a minister of the gospel.

There are many men in New England and elsewhere who are so sure of their own consciences in matters affecting their own interests and their friends' that they need a jailor.

New England swarms with men of this sort, because this sort of tariff rates and procedure have gotten into her blood. She has established the tolerance for this that the glorious people of the South once had for human slavery. We have dozens of instances.

This is not a reflection upon the essence of New England character. Some of us are descendants of New England and got our education largely from New England. We regret, however, that such New Englanders as know of this condition and despise it don't openly strive to clear her name of the evil of this thing. We know many such manufacturers, merchants, educators, ministers of the gospel, and almost all of them silent except her shoe manufacturers.

All these statements show the impossibility of any man or group trusting his own conscience in the determination of other men's interests when in conflict with his own.

Chairman Marvin by casting a deciding vote against the rule of good conduct observed by every other commission and by every court indicates dangerous possibilities from which the country should be safeguarded.

Unless there is a change in the brain cells of these middle-aged men, they can not pass judgment on the tariff as affecting the interests from whose service for years they came directly to this commission.

It took a sunstroke to make Saul of Tarsus into St. Paul and to make him "turn back," as the Scriptures say, and pursue a new course.

Another angle. Mr. Donaldson Caffrey, Mr. Glassie's brother-in-law, was until recently president and leading spirit of the foremost organization of Louisiana sugar growers, later merged into a still larger association. It was no inconsiderable part of the work of that organization to strive for much higher duties than any Congress would give them. The records declare that Mr. Glassie has had long and intimate relations with these sugar men. They and their attorneys plead for Mr. Glassie's participation with full power in this sugar inquiry. They know that his vote may mean much to them. The present tariff pours into their laps in pennies, dimes, and golden eagles the sum of $48,000,000 annually. Why do they want Glassie?

The existence and value of this commission depends upon the issue now under consideration.

It is common knowledge that the manufacturers from whose employ came the commissioners here mentioned, fought in every way against the establishment of this commission. They knew that in the end such impartial, dependable, and illuminating information as this commission has until recently gathered, analyzed, and presented would in the end save the American people billions of dollars annually and bring to an end certain tariff graft that has no basis in honest protection or aught else but greed, as, in substance, many of them have confessed.

It will not do to abolish this commission. The point is too restore its purity, and in so doing we may well realize that there are many tariff profiteers who would almost as soon see its public reputation injured or destroyed as to see the commission abolished. Indeed it might suit them better to get their own employees on this fact-finding body than to abolish it.

This is not a party matter. Mr. Glassie is a Democrat. With him are two Republicans. On the other side are one Democrat and two Republicans, one of the latter appointed as a Roosevelt Progressive.

The question is, at bottom, moral, although it means billions of dollars in money.

We express the judgment of a great majority of American manufacturers, especially those who as "intermediate consumers" get little or nothing from the tariff and often are hurt by it, like the manufacturers of agricultural implements, whose costs of production are so unjustly increased by the steel tariff that agricultural implements, although on the free list, reach our farmers at an excess price due to the tariff of not less than $75,000,000, which excess so restricts consumption and the use of new implements by our farmers as largely to account for a two-thirds reduction in the production of these implements for the last two years, and for the near ruin of our implement manufacturers and the loss of $50,000,000 in two years by 20 of them.

That we express the judgment of most manufacturers is indicated by the replies of manufacturers to 14,000 to whom the tariff committee of the National Association of Manufacturers sent a questionnaire in 1907. Of those who replied, 55 per cent approved of the principles here expressed, and of the other principles regarding the tariff which the Fair Tariff League stands for, as did the National Tariff Commission Association, which represented some 250 of the foremost manufacturing, commercial, and farm organizations of America. Only 25 per cent of the replies to that questionnaire differed in judgment, most of these being from groups that are to-day opposed, as they were then, to what is here advocated. They were for the work and principles of those whom we here oppose. The other replies were of no consequence, indifferent or uninformed. It is relatively a small number of overpowerful American manufacturers who unfortunately color our tariff situation.

In conclusion, there essentially is no reason on earth for the existence of this commission, except that it be impartial and disinterested. All else follows and depends on that. It is this character of disinterestedness and therefore of trustworthiness that is now being destroyed.

Congress as required by the Constitution could get all necessary facts and make a just tariff with ease if only its members could be disinterested. They can not be because of such manufacturers as employed and used some of the commissioners here considered.

A manufacturer's cost book is his Bible. He lives with it, sleeping and awake. Congress simply can not and dare not require the submission of proof by interested manufacturers—proof that they deserve the tariff rates they demand and get.

The Tariff Commission exists for that and like purpose. Disinterestedness and purity are the wellsprings of its life.

Mr. Glassie has shown that he should quit this case and quit the commission.

President Harding could never have meant thus to hurt this commission. He could not have foreseen this consequence from his appointments. He could never have conceived that rules of good conduct adopted by all other commissions would be rejected by this commission. Also many of his appointments show that, like President Grant, he was overinfluenced by the pressure of interested friends. He so said in his latter days and with distress.

Everyone now knows the danger. A high protectionist organization in its public print last September called upon such interests as employed Messrs. Marvin and Burgess to see to it that the successor of one of the commissioners who stand for disinterestedness and retires next September shall be a Democrat of substantially the views of the commissioners whom we here regretfully but necessarily oppose.

Shall that be permitted by the public or by the President? It would mean a Tariff Commission of six, two of them, after eight years of service, perfect in public esteem as regards the disinterestedness of their service and pledged to this principle of disinterestedness. One of them is a Republican, the other also a Republican and later a Roosevelt Progressive. Against these two would be four others, two of whom are Republicans and two differing from the latter in tariff matters only in having labels on their coats reading "Democrat"; these four agree that each and all of them may adjudge cases in which they are personally interested.

Surely this alignment indicates something other than parties. The issue is, at bottom, one of morals only.

May all in authority and all others save this commission from further hurt.

Upon its purity and disinterestedness depends in large measure the purity of American public and private life.

We want to be done with the corrupting influence of tariffs based on greed and political pull. We want the principle of protection to American labor and industry to be scientifically and honestly applied, untainted by personal bias or personal greed.

We want American dollars to stay in the pockets of those who earn them, except as taken therefrom on better evidence than interested politicians and interested investigators may require.

We want to relieve Congress immeasurably by giving it the services of an impartial, semijudicial, disinterested Tariff Commission, thereby enabling the Congressman who wants to be fair to justify his honest

conduct by the findings of such an unquestionably capable and dependable fact-finding commission.

In the foregoing statements there is nothing of malice nor ill will. The general good character of those in question is assumed.

The country and this league have seen so much of human frailty tempted by self-interests that we mean to be kind. If we speak bluntly it is because moral issues of great consequence can not be considered softly nor apologetically.

The governing committee of the Fair Tariff League and other advisers of the league were informed promptly of the substance of this contention. So many have replied in unequivocal terms in line with this statement that its presentation to you is necessary. There is not one contrary judgment. They come from New England and California, from Washington, Illinois, and Pennsylvania, from Minnesota and Texas, from Iowa, Nebraska, Kansas, and Colorado—from the country at large.

This statement, in substance, and as best it may, expresses the judgment of officers of organizations of some 2,000,000 farmers and 650,000 wage earners, of women's associations, manufacturers, educators, publicists, and business men.

Many of the expressions here used are found in their communications; so many that to quote would be tedious.

They are overwhelmingly Republican. They are protectionists who differ from certain other so-called protectionists only in wanting the tariff to be based on facts impartially and judicially determined. They want the Tariff Commission that should find these facts to be above suspicion.

We make this statement because of our own convictions and because Commissioner Glassie has invited the opinions of those who disagree with him, and not to speak might imply acquiescence in his position.

FAIR TARIFF LEAGUE,
H. E. MILES, *Chairman.*

Mr. BROUSSARD. Mr. President, on the 22d day of January the Senator from Arkansas [Mr. ROBINSON] offered a Senate resolution (S. Res. 131) in which appeared a preamble describing certain facts which are claimed to have happened in the hearings when the sugar tariff schedule was taken up by the Tariff Commission, followed by a resolution which expresses it to be the sense of the Senate that—

under the circumstances the proceedings of the United States Tariff Commission in the present investigation will not command public confidence, and that in order to accomplish the legislative purpose of the act creating the United States Tariff Commission it is necessary that the commission adopt and proceed under rules which in substance disqualify any member of the commission from acting in any investigation or making any recommendation or decision in a matter wherein either the commissioner or any member of his immediate family has a property or financial interest to be affected by such investigation, recommendation, or decision.

After the resolution had been offered I think I mentioned the fact to the Senator from Arkansas that I believed a Senate resolution would not meet the object he had in view, because the law governing the recusation of judges in this country is by special or common law statute, and that, in my opinion, I thought if it were found that the Congress had failed to enact a law to require members of that commission to recuse themselves, we should proceed in the matter legally and offer a bill to be passed upon by both branches of the Congress and be enacted into law. Subsequently the Senator from Arkansas on February 26 offered such a bill.

It has been my opinion that before we proceeded with the consideration of Senate Resolution 131, the Judiciary Committee should consider the peculiar conditions and circumstances surrounding the creation of and the policy involved in the Tariff Commission. It is for the same reason that I am now opposing the amendment which was inserted in the House. That would seem in my opinion to destroy the very policy and the intent of the Congress of the United States unless it was considered from a different standpoint than that of the pending amendment. The amendment adopted by the House is not one which the Congress of the United States should approve. It is not one which will meet the purpose, and I shall explain in a few minutes in what way it will affect the commission.

The amendment reads:

Provided, That no part of this appropriation shall be used to pay the salary of any member of the United States Tariff Commission who shall hereafter participate in any proceedings under said sections 315, 316, 317, and 318 of said act, approved September 21, 1922.

It seems to me ill-advised, Mr. President, waving aside the special policy involved in the creation of the commission, to enact such a law. For instance, who is to determine when the pay of the member of the commission is to stop? Who is to say that he sat in a case in which some distant relative had an interest in some industry? Who is to stop his pay and for how long is his pay to be stopped? The amendment under consideration goes on further to provide:

Wherein he or any member of his family has any special, direct, and pecuniary interest, or in respect to the subject matter of which he has acted as attorney, legislative agent, or special representative.

Mr. President, I shall presently read the statute governing the recusing of judges in the court. I am only making this argument to meet the argument made by the Senator from Arkansas, who assumes that the Tariff Commission is a judicial body, which is not true, as I shall attempt clearly to prove. In the case of the United States statute applying to Federal judges do we provide that a man who is appointed to the bench shall never be able to pass upon a case in which a client of his in past years may be a litigant before him? Do we put into the Federal statute, for instance, a provision that the judge can never try any case in which one of the litigants happens to have been one of his clients 20 years ago? Do we put into such statute that if the judge had ever represented any interest at all in any capacity whatsoever whenever that interest was a party litigant before his court he had to step out and that his pay should be suspended?

However, Mr. President, this presents a worse case than that. The remedy which the proponents of this amendment propose is worse than the evil sought to be corrected. Is it proposed in such a case to remove the commissioner from office? Not at all. It is simply proposed to stop his pay. Then, I ask, if a member of the commission is really, in fact at the present time, while sitting on the commission, the secret representative of any interest, will he resign? Will not that special interest keep him in office in order to serve it? The only penalty to be imposed is that his pay shall be stopped. So I am sure that Senators, even those—and I do not disagree with them in that respect—who desire to enact a statute in order to make sure that members of the commission who themselves, directly or indirectly, may be interested should be recused, will admit that it is such a subject that no one should attempt to deal with unless he makes a study of the principle which is involved in the creation of the commission, of the policy of the Government in creating it, and of its functions. That should first be determined. Then we may proceed to enact such a statute as will preserve the equilibrium of this body, for, Mr. President, the Tariff Commission is not like the Supreme Court or like any appellate court, where a majority may return and decide the verdict. It is not a body whose members are supposed to take a vote and make a majority report. The very principle of the establishment of the Tariff Commission, Mr. President, restricts appointments to three men of each party. Why was that? Why do we select three men of each party?

One of the political parties is recognized throughout the country as standing for tariff protection; the other party stands either for free trade or for a tariff revenue. It was the intention of Congress, as I shall show, in establishing this commission to provide that it should be equally balanced in order that there might not be a majority decision rendered by three men belonging to one school of economic thought and two other men belonging to the other school. Shall Congress now ruthlessly and thoughtlessly destroy the equilibrium which Congress has established, and which under the law should be maintained? Shall we now say, for instance, that a Republican member who stands for high tariff rates when the interests of his people are concerned shall have the right to challenge a member on the other side and be joined by the two others on his side, and thus disqualify a member on the other side? What should we have left? We should have two free traders and three protectionists, and we should have absolutely destroyed the idea which controlled in the establishment of the commission. In order to show you that that is a fact let me read to you, Mr. President, the statute which created the commission. It is found at page 795 of the thirty-ninth volume of the United States Statutes at Large, Sixty-fourth Congress:

That a commission is hereby created and established, to be known as the United States Tariff Commission, * * * which shall be composed of six members who shall be appointed by the President, by and with the advice and consent of the Senate, not more than three of whom shall be members of the same political party.

Mr. President, we can see there that the Congress of the United States did not have any idea that on any case in which they were investigating there should be an odd number. The idea was to have the commission divided into two groups, one of them committed to one school of economic thought and the other to a different school. After providing that no more than

three shall belong to one political party, the statute further provides—

but no vacancy shall extend beyond any session of Congress—

Showing clearly, Mr. President, that the Congress intended that the President should not have the power by abstaining from making an appointment in the case of a vacancy to permit one side to control the commission. It is made mandatory upon the Chief Executive that the commission must be kept filled at all times, so that there shall be three members belonging to one party and three who belong to the other.

Mr. President, I think it was the Senator from Nebraska who said, when certain cases were mentioned awhile ago, that recently the powers of the Tariff Commission have been greatly increased. That is not true. I am sure that if the Senator were to look into it, he would find that its duties have been increased, but the powers conferred upon it are the same today as they were at the time the act was first adopted. Those powers are all contained in sections 702, 703, and 704 of the same statute which, Mr. President, I ask may be inserted in my remarks at this point.

The PRESIDING OFFICER. Without objection, permission is granted.

The sections of the statute referred to are as follows:

SEC. 702. That it shall be the duty of said commission to investigate the administration and fiscal and industrial effects of the customs laws of this country now in force or which may be hereafter enacted, the relations between the rates of duty on raw materials and finished or partly finished products, the effects of ad valorem and specific duties and of compound specific and ad valorem duties, all questions relative to the arrangement of schedules and classification of articles in the several schedules of the customs laws, and, in general, to investigate the operation of customs laws, including their relation to the Federal revenues, their effect upon the industries and labor of the country, and to submit reports of its investigations as hereafter provided.

SEC. 703. That the commission shall put at the disposal of the President of the United States, the Committee on Ways and Means of the House of Representatives, and the Committee on Finance of the Senate, whenever requested, all information at its command, and shall make such investigations and reports as may be requested by the President or by either of said committees or by either branch of the Congress, and shall report to Congress on the first Monday of December of each year hereafter a statement of the methods adopted and all expenses incurred, and a summary of all reports made during the year.

SEC. 704. That the commission shall have power to investigate the tariff relations between the United States and foreign countries, commercial treaties, preferential provisions, economic alliances, the effect of export bounties and preferential transportation rates, the volume of importations compared with domestic production and consumption, and conditions, causes, and effects relating to competition of foreign industries with those of the United States, including dumping and cost of production.

Mr. BROUSSARD. Mr. President, the only limitation which was imposed by the Congress upon the members of the Tariff Commission was that they should not engage in any other business. Then the act conferred upon them the right to adopt such rules and regulations as, in their judgment, might be necessary.

It will be found, Mr. President, that under the existing tariff law the powers of the commission have not been increased. I will say to the Senator from Nebraska, who is now in the Chamber, that I was calling attention a few moments ago to the fact that, although the duties of the Tariff Commission have been increased, their powers have not been increased. I mean by that, while more work has been assigned to the commission and while their jurisdiction as to the matters submitted to them has been increased their powers have not been increased.

Under the existing tariff law under paragraph (c) of section 315 the President is given authority to increase or to reduce tariff rates on articles under sections A and B, which cover the dutiable list, and in certain cases under another subdivision of that section the President is authorized to impose duties equivalent to the American selling price. I ask, Mr. President, that paragraph (c) of section 315 may be inserted at this point in my remarks.

The PRESIDING OFFICER. Without objection, permission is granted.

The matter referred to is as follows:

(c) That in ascertaining the differences in costs of production, under the provisions of subdivisions (a) and (b) of this section, the President, in so far as he finds it practicable, shall take into consideration (1) the differences in conditions in production, including wages, costs of material, and other items in costs of production of such or similar articles in the United States and in competing foreign countries; (2) the differences in the wholesale selling prices of domestic and foreign articles in the principal markets of the United States; (3) advantages granted to a foreign producer by a foreign government, or by a person, partnership, corporation, or association in a foreign country; and (4) any other advantages or disadvantages in competition.

Investigations to assist the President in ascertaining differences in costs of production under this section shall be made by the United States Tariff Commission, and no proclamation shall be issued under this section until such investigation shall have been made. The commission shall give reasonable public notice of its hearings and shall give reasonable opportunity to parties interested to be present, to produce evidence, and to be heard. The commission is authorized to adopt such reasonable procedure, rules, and regulations as it may deem necessary.

Mr. BROUSSARD. Mr. President, it will be observed that the references made to the Tariff Commission are under subdivision c of that section, which reads, in part, as follows:

Investigations to assist the President in ascertaining differences in costs of production under this section shall be made by the United States Tariff Commission, and no proclamation shall be issued under this section until such investigation shall have been made. * * * The commission—

And here is a very significant thing—

The commission is authorized to adopt such reasonable procedure, rules, and regulations as it may deem necessary.

Which is a reenactment of a provision of the original act creating the commission.

Now, let us see what the duties of the Tariff Commission consist of under section 315.

METHOD AND SCOPE OF INVESTIGATIONS

I read from the seventh annual report of the Tariff Commission for the year 1923, and with reference to this new line of investigations which the Congress has referred to them, they have laid out for themselves the following method and scope of investigations, from which I shall now read:

The regulations of the commission provide that, whenever an investigation for the purposes of section 315 is ordered, a plan of the investigation, including an estimate of cost thereof, shall be prepared by the chief investigator in cooperation with the appropriate experts and shall be submitted to the advisory board for its consideration and approval.

Mr. President, it will be seen that as soon as they take up any given schedule all they do is to plan it out and give it to their experts to investigate. In this country they send their field men out to the factory or to the industrial plant or to the agricultural section and investigate it, and then they send the field force out in a foreign country, whose manufacturers or products compete with the domestic manufacturers of these articles or products, and all of those investigations are made by their experts.

As soon as the plan is perfected by the advisory board it is submitted to the commission for review, and when finally approved becomes the basis of the investigational work. The chief investigator is instructed in writing to proceed in accordance with the plan approved by the commission, and is charged with the administrative duty of carrying it out. Domestic and foreign field work is then undertaken. For this purpose, in most cases, cost schedules are carefully prepared, oftentimes after consultation with persons recognized as having a practical knowledge of the industry. These schedules are drawn up in the light of the best accounting experience, and when finally approved by the commission, become the basis of the intensive cost-production inquiries requisite for the ascertainment of domestic and foreign costs. The highly detailed character of these schedules and their great variety, resulting from the diversity of the industries under investigation, preclude full description. The schedules used by the commission have, in general, received the commendation of all interested parties. The commission's practice is to have the cost figures returned upon these schedules checked back to the original books of the producer.

Then, Mr. President, a full account is given, so that all those interested in any industry who desire to make a complaint about any rate in the tariff law are given full instructions as to how to proceed; and the rest of this particular part of the report, which concludes on page 40, outlines a method which is in itself nothing but an investigation, and, as I shall show, a search for facts.

The very able argument of the Senator from Arkansas [Mr. ROBINSON] is based upon the assumption that this is a judicial body. It is not a judicial body in any sense. It is not even a

quasi-judicial body. It renders no decree. It merely tabulates certain facts. It does not even make a report to the Congress as to what it believes the Congress should do. It considers all of the facts pertaining to the particular item investigated by it in this country and abroad, and submits to the Congress or to the President of the United States facts from which the Congress or the Chief Executive may draw their conclusions.

I say it is not even a quasi-judicial body. The Senator from Arkansas has referred to the answer filed by the Tariff Commission in the Supreme Court of the United States in a case entitled "United States of America ex rel. Norwegian Nitrogen Products Co. (Inc.) v. The United States Tariff Commission." This, Mr. President, I am sure sustains my position.

The reference which the Tariff Commission itself made in this answer related to one particular phase of its line of work. In this case the plaintiff company filed a petition for a writ of mandamus to require the Tariff Commission to disclose certain facts which the commission had in its possession. You will find, Mr. President, in the act creating the commission that there are certain facts with reference to trade conditions or certain facts with reference to methods of manufacture which the Congress very properly provided the party investigated had a right to have kept secret by the commission—trade secrets, as it were. This was a foreign corporation that wanted the commission to divulge certain trade secrets.

Under the act creating the commission the Congress has imposed upon them the duty of determining what facts really constitute trade secrets, and that is the only sense in which they act in a quasi judicial way; and they must do that, because the law provides that if they disclose any trade secrets they are liable to individual fines of $1,000 and otherwise to be dealt with. So that in this case, when they filed their answer, they merely referred to the fact that this was a trade secret, and that they could not be compelled to disclose it, because if they complied with the request they were violating the law creating that body, and that they were further making themselves liable to a fine.

Respondents admit that the application (called petition and brief) of said American Nitrogen Products Co. was, at the times mentioned, and is now, in the custody of the United States Tariff Commission. But respondents deny that said application is a public record. On the contrary, they aver that said petition or application is in the nature of a suggestion only, drawing the attention of the commission as in other cases to a supposed condition of nonequalization between the existing customs duty and the differences between foreign and domestic costs of production with a view to presidential action under the provisions of section 315 of the tariff act of 1922; that the allegations in said application, as in other similar applications, were made under the protection and sanction of section 708 of the revenue act of 1916, as will hereinafter be more fully shown, and are in respect of all statements concerning methods and cost of production, including material costs, costs of power, labor costs, and other items of cost, of the person, firm, or corporation filing the application, essentially confidential and privileged, and entitled to the protection of said section 708. Respondents further aver that no private right exists, as a matter of course, to the institution of an investigation looking to a change in any rate of customs duty, nor is the United States Tariff Commission bound, by reason of any such application or the allegations therein, whether made under oath or not, to expend the public money or devote the public time to investigations upon the subject matter mentioned therein. Nor is the commission bound to disclose such allegations to parties claiming to be interested in the increase, decrease, or maintenance of the existing rates of duty on the article mentioned in said application. But respondents aver that the action of said commission must be and is determined upon consideration of public interest and upon examination of such information as may be available, statistical or otherwise, relevant to the subject matter, and indicating, in the judgment and discretion of said commission, the advisability or inadvisability of ordering in the public interest an investigation for the purpose of said section 315. Respondents further aver that, when such investigation is instituted in the exercise of the commission's power and authority, the allegations or statements in any application made by any particular individual or corporation in relation to said subject matter, and particularly any statements concerning applicant's methods or cost of production, are of no lawful concern to any other person or persons claiming to be interested in the subject matter of said investigation, whether as a manufacturer, producer, buyer, seller, purchaser, importer, or otherwise.

I desire also to incorporate in my remarks, without reading, paragraph 12 of the answer of the commission in this case.

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

12. In further answer to the allegations of this section of relator's petition and the rule to show cause issued thereon, these respondents further say:

(a) That the United States Tariff Commission was created and established by the provisions of Title VII of the revenue act of 1918; that in and by the provisions of said title the general powers and functions of said commission in respect of the administration, operation, and industrial relations and effects of the customs duties of the United States and the conditions, causes, and effects relating to competition of foreign industries with those of the United States were declared and established; and in and by the provisions of said title it was provided that, for the purpose of carrying said title into effect, the commission or its duly authorized agent or agents should have access to and the right to copy any document, paper, or record pertinent to the subject matter under investigation, in the possession of any person, firm, copartnership, corporation, or association engaged in the production, importation, or distribution of any article under investigation, and should have power to summon witnesses, take testimony, administer oaths, and to require any person, firm, copartnership, corporation, or association to produce books or papers relating to any matter pertaining to such investigation, all of which investigational powers are made subject, as will hereinafter more fully appear, to the condition that it should be unlawful to divulge or make known in any manner whatever, not provided for by law, the trade secrets or processes of any person, firm, copartnership, corporation, or association, embraced in any examination or investigation conducted by said commission.

(b) That, in and by section 315 of the tariff act of 1922, it is provided that, in order to regulate the foreign commerce of the United States and to put into force and effect the policy of the Congress by said act intended, the President shall have power, upon investigation to be made by the United States Tariff Commission, to ascertain the differences in costs of production of domestic articles and of like or similar articles produced in foreign countries and to proclaim the changes in classification and increases and decreases in rates of tariff duty which may be necessary to equalize the differences in costs thus ascertained.

(c) That in and by subsection (c) of said section 315 it is further provided that, in ascertaining differences in costs of production under the provisions of said section, the President, in so far as he finds it practicable, shall take into consideration (1) the differences in conditions in production, including wages, costs of material, and other items in costs of production of such or similar articles in the United States and in competing foreign countries; (2) the differences in the wholesale selling prices of domestic and foreign articles in the principal markets of the United States; (3) advantages granted to a foreign producer by a foreign government, or by a person, partnership, corporation, or association in a foreign country; and (4) any other advantages or disadvantages in competition.

(d) That, in and by said section 315, it is provided that investigations to assist the President in ascertaining differences in costs of production under said section shall be made by the United States Tariff Commission and no proclamation shall be issued by the President until such investigation shall have been made.

(e) That, in making such investigation to assist the President in the exercise of said powers under section 315 of the tariff act of 1922, the Tariff Commission is vested by the provisions of Title VII of the revenue act of 1916, supplemented by the provisions of the tariff act of 1922, with the power, and is under the necessity, of obtaining, as far as practicable, the individual costs of production of the several persons, partnerships, firms, corporations, or associations producing the article constituting the subject matter of said investigation and must take said individual production costs, so far as practicable, directly from the ordinary private books of account of individuals, firms, and corporations, wherein have been recorded, in the usual course of business, all expenditures by said manufacturers for and on account of the immense variety of separate items constituting, and going to make up, the costs of production of such articles; that such inquiry involves taking from said books of account the amount of capital invested by said persons in their said manufacturing plants; the amount of interest, if any, paid upon loans secured for the purpose of manufacture; the amounts paid in each particular purchase for the several species or kinds of materials entering into said manufacture; the amounts respectively paid the several kinds and classes of employees or workmen engaged in said manufacture; the salaries paid to the several officers and employees of said manufacturer; the amounts paid the persons employed for expert technical, chemical, research, or other scientific and laboratory assistance in such manufacture. Such inquiry further includes the total gross sales of the articles in question and an ascertainment of the direct labor cost, material cost, and overhead cost per unit of the articles produced by each of said domestic manufacturers who are necessarily in competition not only with the foreign, but also with other domestic producers of the same article. It further includes the amounts paid both in detail and in general and by particular units for the selling or marketing expense incurred in placing said article and each unit thereof on the markets for said product.

(f) That by section 708 of the revenue act of 1916 it is provided:

"It shall be unlawful for any member of the United States Tariff Commission, or for any employee, agent, or clerk of said commission, or any other officer or employee of the United States,

to divulge, or to make known in any manner whatever not provided for by law, to any person, the trade secrets or processes of any person, firm, copartnership, corporation, or association embraced in any examination or investigation conducted by said commission, or by order of said commission, or by order of any member thereof. Any offense against the provisions of this section shall be a misdemeanor and be punished by a fine not exceeding $1,000, or by imprisonment not exceeding one year, or both, in the discretion of the court, and such offender shall also be dismissed from office or discharged from employment. The commission shall have power to investigate the Paris economy pact and similar organizations and arrangements in Europe."

(g) That the several items of individual costs necessary to be taken from the books of each producer and analyzed and collected as in subsection (c) set out, are in their nature trade secrets of the several persons, firms, copartnerships, corporations, or associations embraced in said examination and investigations; that the disclosure of said items by the Tariff Commission would constitute a direct injury and legal wrong to every such person, firm, copartnership, corporation, or association, inasmuch as it would disclose to his, its, or their several competitors the precise elements, trade secrets, and processes which constitute its particular advantage or disadvantage in competition, and would thereby permit unlawful and irreparable injury to private property of great value.

Mr. BROUSSARD. Mr. President, I also desire to incorporate in my remarks, without reading, pages 28, 29, and 30 of this answer.

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

Answering generally relator's said petition, respondents say (a) that the relator, the Norwegian Nitrogen Products Co., and all parties interested in the subject matter of said investigation of the difference of costs of production of sodium nitrate were given due, timely, and reasonable notice of the institution of such investigation and of the time and place at which the public hearing therein would be held, and were accorded reasonable opportunity to be present, to produce evidence, and to be heard at such hearings; (b) that during the course of said hearings, as aforesaid and with reasonable opportunity to consider and meet the same, a report or summary of all information and data relevant to said inquiry obtained by said commission or in the possession of the commission, not in the judgment of the commission protected under said section 708 of Title VII as trade secrets or processes, was made known to the parties interested and appearing at said hearings, including relator; (c) that this commission, and the commissioners constituting the same, in the exercise of the powers or duties conferred upon them by law, are vested with power and authority to consider and determine whether information secured by said commission in the course of an examination or an investigation is or is not in respect of said investigation a trade secret or process of the person, firm, copartnership, corporation, or association supplying the same; (d) that their determination, in the course of, and for the purpose of, any investigation conducted by the commission, that any such information is a trade secret is final and conclusive and is not subject to be reexamined, reviewed, or set aside in this honorable court, and more especially not by way of collateral attack or review; (e) that to permit such matter to be produced for reexamination and review would of itself constitute a publication and communication of the matter constituting such trade secrets and processes in violation of said statute in such case made and provided; (f) that the relator, having appeared and submitted to the jurisdiction of said United States Tariff Commission and having formally requested inspection of said original and primary data collected by the commission's investigators and the original cost and other data collected by the commission's investigators and the original cost and other data collected by the commission showing the production costs of domestic manufacturers of sodium nitrate, and its motion in that behalf having been duly heard, considered, and decided by said commission, such decision, made in the exercise of the quasi judicial power and authority conferred upon it by statute, is also not to be reexamined or reviewed or set aside in this honorable court, and more especially not by way of collateral attack or review on a writ of mandamus; (g) that, inasmuch as relator submitted itself to the jurisdiction of said commission and moved for an opportunity to cross-examine certain experts of the commission with respect to cost data and other information obtained by them in their investigation and in the files of the commission, and inasmuch as such motion had been overruled by the commission, such decision is also not to be reexamined or reviewed in this court, and more especially not by way of collateral attack.

And respondents say that for the purposes of said investigation the determination of all said matters, involving question of fact and of mixed law and fact, and the application of the law to the fact, has been committed to the United States Tariff Commission by the statutes in such case made and provided, and therefore can not be made the object of judicial inquiry upon a petition for a writ of mandamus or otherwise, and the determinations of said commission are not subject to be reversed or overruled or set aside in this honorable court, nor can said commission be commanded to proceed or act contrary to its said determination.

Mr. BROUSSARD. Here is the only reference to quasi-judicial power. They explain here—

That the relator, having appeared and submitted to the jurisdiction of said United States Tariff Commission and having formally requested inspection of said original and primary data collected by the commission's investigators and the original cost and other data collected by the commission showing the production costs of domestic manufacturers of sodium nitrate, and its motion in that behalf having been duly heard, considered, and decided by said commission, such decision, made in the exercise of the quasi-judicial power and authority conferred upon it by statute, is also not to be reexamined or reviewed or set aside in this honorable court, and more especially not by way of collateral attack or review on a writ of mandamus.

Mr. NORRIS. Mr. President, from what is the Senator reading?

Mr. BROUSSARD. I am reading now from the answer of the Tariff Commission in the case of the Norwegian Nitrogen Products Co.

Mr. NORRIS. I knew the case, but I was wondering if it was the opinion of the court or something else.

Mr. BROUSSARD. No; this is part of the answer.

I have explained that the Congress has imposed upon the commission the duty of giving to the public all such facts and data as they may collect; but there are certain facts concerning a man's business which the Congress properly said might be called trade secrets, and after having given the power to investigate and to make a report of facts the Congress then said that there were certain trade secrets which the commission should not give to a competing company, either domestic or foreign; and in so far as that is concerned, it has been left to them to decide what is or what is not a trade secret.

In that sense they say, "This is a trade secret; we can not give it to you," and they sought to mandamus them to compel them to give them that particular thing; but they did it in a collateral way, and they could not do it that way. Besides that, they had no right to do it anyway, under the statute.

I am supported also, Mr. President, in the position that this is not a judicial body, by the opinion of the Attorney General rendered in a case pending before that commission. I have here an opinion rendered by the Attorney General in the Blodell-Donovan Mills case, which involved the reduction of the duty on fir, spruce, cedar, and western hemlock. This opinion was in answer to a letter of the President of date October 29, 1923, and was issued in the beginning of November, 1923. The opinion I should like to have inserted as a whole, without reading.

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

Mr. BROUSSARD. I refer specifically to subsection (c) of section 315 of the existing tariff law, and read as follows from the opinion of the Attorney General:

Investigations to assist the President in ascertaining differences in costs of production under this section shall be made by the United States Tariff Commission.

* * * * * *

October 7, 1922, President Harding issued his Executive order as follows:

"It is ordered that all requests, applications, or petitions for action or relief under the provisions of sections 315, 316, and 317 of Title III of the tariff act approved September 21, 1922, shall be filed with or referred to the United States Tariff Commission for consideration and for such investigation as shall be in accordance with law and the public interest, under rules and regulations to be prescribed by such commission."

* * * * * * *

The act of 1922, therefore, has not changed the status of the Tariff Commission, and the powers and duties of that tribunal remain limited to the ascertainment and report of facts.

Mr. STERLING. From what is the Senator reading?

Mr. BROUSSARD. It is the opinion of the Attorney General in the Blodell-Donovan Mills case. I shall read further:

It has also made it the duty of the Tariff Commission to conduct such investigation as may be necessary to ascertain the facts in order that the President may be aided in the exercise of the discretion vested in him.

Senators will find that throughout this opinion the Attorney General has held that subsection (c) of section 315 of the

existing law has not changed in any sense the powers of the Tariff Commission.

As a matter of fact, this Tariff Commission is so different even from the Interstate Commerce Commission, for instance, to which it was connected in the bill offered by the Senator from Arkansas, now before the Judiciary Committee; it is so different from the courts that no statute would apply to enforce the recusation of the members of that commission which would apply to a judge. The situation is entirely different. I am not arguing that we should not try to find some way of providing for a method of recusing members of the Tariff Commission, but I contend that when we do that we must not overlook the fact that the Tariff Commission was created especially with the intention of keeping it a bipartisan body. The law which created it made it a bipartisan body.

Of course some of those who believe in the reduction of the tariff rate have picked up this particular case. This commission has been in operation for many years. It has had before it and it has investigated and submitted facts upon items with which some members of the Tariff Commission had an indirect interest in the way defined in this resolution, but no one took exception to it except some people who are interested in reducing the tariff on sugar.

Let us suppose that this resolution were to go into effect and, as argued by the Senator from Arkansas, the other members on the commission decided Mr. Glassie's right to sit in that case. What would be the result if under a Republican administration the three Democrats should get together and challenge a member of the commission on the other side? Then, to use the illustration so forcibly put by the Senator from Arkansas, this challenged member ought to feel that he should abandon his post, that he should dodge his duty, should violate the oath he took to maintain the equilibrium in that commission, and in order to be a decent fellow he would say, "I will just quit the work." What would be the result? There would be five members voting, and the party that had challenged the other side would gain control over the commission. That would not be a perfect Tariff Commission. The very act which created it provided that there should be three from each party, and the act further provided that the administration should not gain control over the commission by refraining from filling a vacancy. The President must fill a vacancy before the end of the next Congress, which means that, inasmuch as the members must be confirmed by the Senate, the President and the Senate together, which function one as the appointive and the other as the confirming body, must fill any vacancy before the adjournment of the next Congress, if in recess, or of the present Congress, if a vacancy should happen now.

The purpose of that is to maintain the equilibrium between the two parties. There will be no Tariff Commission at all unless the law be so framed as to recuse those who may fall in the class designated by this resolution, but directing the President to appoint some one to act in the place of the commissioner who finds it necessary to recuse himself.

That is the method under court procedure. Let us say that one of the judges on a court of appeals finds that he has represented one of the litigants, or that he is connected in some degree with somebody interested in the subject matter before the court. What does the law provide? It provides that the vacancy temporarily existing there shall be filled. If the House provision is permitted to remain in the bill, at one stroke every member of the commission will be disqualified. I have argued this before, and I want to recur to this point, which I made before. This amendment reads:

> Wherein he or any member of his family has any special, direct, and pecuniary interest, or in respect of the subject matter of which he has acted as attorney, legislative agent, or special representative.

That provides, for instance, that the best attorney in any district who should be appointed to the Federal bench would have to recuse himself every time one of his old clients whom he represented perhaps 20 years ago came before that court or if he was the agent of that man away back yonder as a young man, he would have to be recused. Where would we go to find material to appoint to the bench if everyone who was appointed had to be recused in every case in which a former client of his was before his court?

Mr. McKELLAR. Mr. President——

The PRESIDING OFFICER. Does the Senator from Louisiana yield to the Senator from Tennessee?

Mr. BROUSSARD. I yield.

Mr. McKELLAR. I think the Senator has misconstrued this provision. It reads—

> wherein he or any member of his family has any special, direct, and pecuniary interest, or in respect of the subject matter of which he has acted as attorney, legislative agent, or special representative.

Suppose, for instance, just as the Senator has said, a lawyer 20 years ago acted in reference to certain litigation, and the subject matter of that litigation comes before him as judge afterwards, the same litigation. Then, of course, he would be disqualified, and he would at once say so. It does not cut out any man unless it is in regard to the particular subject matter.

Mr. BROUSSARD. But I would remind the Senator that he is submitting an example where the judge has before him a case where he acted as attorney before. This is not the case here, because the particular case before this commission could not have been before this man before.

Mr. McKELLAR. Suppose Mr. Smith is on the Tariff Commission, and before he went on the Tariff Commission he came before the Congress and lobbied in regard to the same subject matter which is thereafter presented to him as a tariff commissioner. He would be excluded and he should be excluded. He had already made up his mind one way. He was interested in the matter. He received pay for his action in regard to the matter and, in my judgment, he ought to be disqualified. Common decency and common honesty should disqualify him.

Mr. BROUSSARD. The Senator has raised the question of common decency, with which the Senator from Arkansas dealt, I think, much too extensively.

Mr. McKELLAR. I am sorry I did not hear the Senator's speech.

Mr. BROUSSARD. As I take it, common decency on the part of the members of the board which is appointed especially to maintain the two different ideas which prevail in regard to the tariff puts the duty on every member to sit. It has been held in the Federal courts that it is the duty of a judge to sit except in cases where he feels that he would be doing an injustice if he did sit. It is not only his privilege to sit, but it is his duty, unless he finds that his conscience prompts him that he can not do justice in the case.

Mr. SMOOT. Will the Senator yield?

Mr. BROUSSARD. Yes.

Mr. SMOOT. Do I understand the Senator to take the position that the members of the Tariff Commission are judges? Under the law they have nothing to judge.

Mr. BROUSSARD. I am not arguing that they are judges at all.

Mr. SMOOT. They are just a fact-finding commission.

Mr. BROUSSARD. I argued that while the Senator was out. In other words, I am trying to show that Senators are attempting to apply to a fact-finding body laws that are more strict in their application than those which have to do with the judiciary.

I think I have demonstrated here, and it has been the opinion of the Attorney General, and I have submitted the statutes and put them in the RECORD, that this is a fact-finding body. If it is a fact-finding body, why is Mr. Glassie so severely criticized when in appointing fact-finding committees in this body within the last two weeks the argument has been made that no investigating committee should be appointed by this body unless there was a prosecutor from the Senate put on the committee? But why should a man be so severely criticized when he is acting under the law and the law says it is his duty to sit there? Why should he be criticized when he is sitting on a fact-finding body which makes no returns, no recommendations, and renders no decree?

Mr. McKELLAR. I think there is a great deal of difference between having formed an opinion about some legislative matter or quasi legislative matter, like an investigation, and, on the other hand, rendering a decision in the matter in which there is a pecuniary interest in the subject matter. That is the distinction I make.

Mr. BROUSSARD. When we come to apply that to the Federal or State judge the statute with reference to bias and prejudice is stronger than that of any other case. It has been true in the appointment of some of the committees that certain members were said to be prejudiced, but that situation was defended and I voted for it. I do not find a bit of difference between a man sitting on a commission, which is confined to investigating and finding facts, and on a committee appointed by the Senate to investigate and find facts.

I do not care to detain the Senate much longer. I wish to make this suggestion before I close: There is now pending before the Judiciary Committee a bill which will take care of the situation. There is no reason why we should enact into law an amendment covering the matter attached to an appropriation bill. The Judiciary Committee will shortly consider the bill

introduced by the Senator from Arkansas [Mr. ROBINSON] and I ask Members of the Senate who have not studied the subject matter not to adopt this principle without some consideration.

If we maintain the action of the Appropriations Committee in excluding the amendment which was inserted in the House, the Senate will not be deciding against the principle of law for the property recusing of the members of the Tariff Commission, because such a bill has been offered some time ago. It is now pending before the Judiciary Committee, and I have made application to be heard there and I understand that those who have proposed it have asked to be heard. I think the Judiciary Committee should thrash it out and give us such a measure as we can with propriety adopt, so as to maintain the equilibrium of the commission. Certainly I would never consent to enacting any measure of this kind which would give control to one side of the commission or the other, depending upon the member who entered the challenge. Here are three Republicans, and, let us say, three Democrats. Under this theory either one of the two political schools may have one of the members challenge another on a vote, and the result of the vote would be three for the challenge and two against it, and we would then be proceeding with a commission that would be entirely different from the one we have created. For that reason I am opposing legislation of this kind. I would like for the Judiciary Committee to consider it thoroughly and report such a bill as we can all vote for and one that will meet the situation which has been created by this special case.

INVESTIGATION OF INTERNAL REVENUE BUREAU

The PRESIDING OFFICER (Mr. MOSES in the chair). The Chair lays before the Senate a message from the President of the United States.

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

The PRESIDING OFFICER. The Secretary will call the roll.

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

Adams	Fess	McKellar	Smith
Ashurst	Fletcher	McKinley	Smoot
Ball	Frazier	McNary	Spencer
Bayard	George	Mayfield	Stanfield
Borah	Gerry	Moses	Stanley
Brandegee	Glass	Neely	Stephens
Broussard	Gooding	Norris	Sterling
Bruce	Hale	Oddie	Swanson
Bursum	Harreld	Overman	Trammell
Cameron	Harris	Pepper	Underwood
Capper	Harrison	Phipps	Wadsworth
Caraway	Heflin	Pittman	Walsh, Mass.
Colt	Howell	Ransdell	Walsh, Mont.
Copeland	Johnson, Calif.	Reed, Pa.	Warren
Curtis	Johnson, Minn.	Robinson	Watson
Dale	Jones, N. Mex.	Sheppard	Weller
Dial	Jones, Wash.	Shields	Willis
Dill	Kendrick	Shipstead	
Fernald	King	Shortridge	
Ferris	Ladd	Simmons	

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

The Chair lays before the Senate a message from the President of the United States, which will be read.

The reading clerk read the message, as follows (S. Doc. No. 87):

TO THE SENATE:

Herewith is a copy of a letter from the Secretary of the Treasury, Hon. Andrew W. Mellon, to me, which I feel constrained to transmit to the Senate for its information. Also a copy of the resolution adopted by the committee investigating the Bureau of Internal Revenue. This is done because it seems incredible that the Senate of the United States would knowingly approve the past and proposed conduct of one of its committees which this letter reveals.

There exists, and always should exist, every possible comity between the executive departments and the Senate. Whatever may be necessary for the information of the Senate or any of its committees, in order better to enable them to perform their legislative or other constitutional functions, ought always to be furnished willingly and expeditously by any department. The executive branch has nothing that it would wish to conceal from any legitimate inquiry on the part of the Senate. But it is recognized both by law and by custom that there is certain confidential information which it would be detrimental to the public service to reveal. Such information as can be disclosed I shall always unhesitatingly direct to be laid before the Senate. I recognize also that it is perfectly legitimate for the Senate to indulge in political discussion and partisan criticism.

But the attack which is being made on the Treasury Department goes beyond any of these legitimate requirements. Seemingly the request for a list of the companies in which the Secretary of the Treasury was alleged to be interested, for the purpose of investigating their tax returns, must have been dictated by some other motive than a desire to secure information for the purpose of legislation. The adoption of the resolution already referred to is apparently subject to the same criticism. The Senate resolution appointing this committee is not drawn in terms which purport to give any authority to the committee to delegate their authority, or to employ agents and attorneys. The appointment of an agent and attorney to act in behalf of the United States, but to be paid by some other source than the Public Treasury, is in conflict with the spirit of section 1764 of the Revised Statutes—the act of March 3, 1917.

The constitutional and legal rights of the Senate ought to be maintained at all times. Also the same must be said of the executive departments. But these rights ought not to be used as a subterfuge to cover unwarranted intrusion. It is the duty of the Executive to resist such intrusion and to bring to the attention of the Senate its serious consequences. That I shall do in this instance.

Under a procedure of this kind the constitutional guaranty against unwarranted search and seizure breaks down, the prohibition against what amounts to a Government charge of criminal action without the formal presentment of a grand jury is evaded, the rules of evidence which have been adopted for the protection of the innocent are ignored, the department becomes the victim of vague, unformulated, and indefinite charges, and instead of a government of law we have a government of lawlessness. Against the continuation of such a condition I enter my solemn protest and give notice that in my opinion the departments ought not to be required to participate in it. If it is to continue, if the Government is to be thrown into disorder by it, the responsibility for it must rest on those who are undertaking it. It is time that we returned to a government under and in accordance with the usual forms of the law of the land. The state of the Union requires the immediate adoption of such a course.

CALVIN COOLIDGE.

THE WHITE HOUSE, *April 11, 1924.*

THE SECRETARY OF THE TREASURY,
Washington, April 10, 1924.

DEAR MR. PRESIDENT: On March 12, 1924, by S. Res. 168, the Senate appointed a special committee to investigate the Bureau of Internal Revenue and suggest corrective legislation. Senator COUZENS was the moving spirit of the resolution. In urging the appointment of the committee his purpose was ostensibly to obtain information upon which to recommend to the Senate constructive reforms in law and in administration. With such a purpose I am entirely in accord. From the line of investigation selected by Senator COUZENS and by the atmosphere which he has seen fit to inject into the inquiry, it is now obvious that his sole purpose is to vent some personal grievance against me. All companies in which I have been interested have been sought out. I have aided in obtaining from them the waiver of their right to privacy and in the delivery of their income-tax returns in complete detail to the committee. This investigation has disclosed that no company in which I may have been interested has received any different or better treatment than any other taxpayer. The inquiry, so far as showing that I favored my own interests, has failed completely. Any constructive purpose of the committee has now been abandoned.

At a meeting of the committee yesterday Senator COUZENS carried a resolution, against the objection of the two Republican Members, empowering Francis J. Heney to assume charge of the investigation and to conduct the examination of witnesses, with the understanding expressly stated in the resolution that neither the committee nor the Government pay Heney's compensation. In effect, a private individual is authorized to investigate generally an executive department of the Government. This individual is paid by, not the Senate or its committee, but Senator COUZENS alone.

As Secretary of the Treasury I have charge of the finances of the Nation. The Treasury touches directly or indirectly every person and in the sound conduct of its business affects the industrial life of the United States. Already the present investigation has greatly injured the efficiency of the income-tax organization and the sufferer is not the Government but every taxpayer. Attacks such as these seriously impair the morale of the 60,000 employees of the department throughout the country. Government business can not continue to be conducted under frequent interference by investigations of Congress, entirely destructive in their character. If the interposition of private resources be permitted to interfere with the executive administration of Government, the machinery of Government will cease to function.

I owe to you and to the people of the United States the duty to see that the Treasury conducts efficiently and faithfully the great tasks continuously presented to it, that its integrity be preserved, and that its future be insured. This has been my sole thought as head of this department. When through unnecessary interference the proper exercise of this duty is rendered impossible I must advise you that neither I nor any other man of character can longer take responsibility for the Treasury. Government by investigation is not government.

Faithfully yours, A. W. MELLON,
Secretary of the Treasury.

The PRESIDENT,
The White House.

COPY OF RESOLUTION PRESENTED TO THE COMMITTEE BY SENATOR COUZENS AND ADOPTED BY IT

Whereas the time of the various members of this committee has been so occupied with other urgent committee work as to render it impracticable for any one of them to secure and prepare the evidence for presentation to this committee which is proper and necessary to enable it to make a satisfactory investigation of the matters included within the resolution of the Senate under which it was appointed; and

Whereas Mr. Francis J. Heney, of California, an attorney at law, has signified his willingness to undertake without any charge against this committee or the Government of the United States for compensation, the work of securing and preparing such evidence and of securing the attendance and conducting the examination of witnesses before this committee in relation to all matters which it is so authorized to investigate:

Resolved, That said Francis J. Heney is hereby authorized and empowered UNDER THE SUPERVISION OF THE COMMITTEE [the words in caps were an amendment to the original resolution] to secure and prepare all proper and necessary evidence relating to the subject matter of its inquiries and investigations under the resolution of its appointment and to secure the presence and conduct the examination of all witnesses in relation thereto.

The PRESIDING OFFICER. The message will lie on the table and be printed.

RELIEF OF DISTRESS IN GERMANY

Mr. RANSDELL. Mr. President and Senators, I wish to discuss the amendment before us to the pending appropriation bill. Before doing so, however, I promised to yield to the Senator from Minnesota [Mr. JOHNSON] for a brief statement. I now yield for that purpose without giving up my right to the floor.

Mr. JOHNSON of Minnesota. Mr. President, will the Senator from Louisiana yield to me?

Mr. RANSDELL. I yield if I may do so without giving up my right to the floor.

The PRESIDING OFFICER. The Chair will endeavor to protect the rights of the Senator from Louisiana.

Mr. RANSDELL. Then, I yield to the Senator from Minnesota for a brief statement.

Mr. JOHNSON of Minnesota. Mr. President, on March 24 last, the House of Representatives passed the Fish resolution authorizing an appropriation of $10,000,000 for the relief of the distressed women and children of Germany. Approximately two weeks have elapsed since then and as yet no action has been taken by the Senate. A few days ago I asked the chairman of the Committee on Foreign Relations what were the chances of the resolution being reported out and he said "I can not tell, but it will not be until some other measures are out of the way."

To me it seems impossible that the Senate can postpone consideration of a measure that is of such importance to the destitute of Germany. While I have not been in Germany myself to see just what conditions are like, I know from reports made by those who have visited that country recently that the situation is most deplorable.

It is estimated that there are 20,000,000 German people who need help. About 6,000,000 workers are totally or partially without employment. Two million children are in the most critical condition. The occupation of the Ruhr has created complete economic breakdown of Germany and is responsible for hundreds of thousands of people being unemployed.

As to the necessity for help, I want to quote a few words from the report of the Committee on Foreign Affairs of the House accompanying the resolution:

According to the evidence presented by all the church and charity workers, specialists, and students of the conditions in Germany before the Committee on Foreign Affairs, there are approximately two million and a half undernourished and starving German children and other millions of helpless mothers. It would be well if all the Members of Congress could take time to read the hearings, which are available in pamphlet form, and thereby get first-hand information portraying the terrible picture of famine, hunger, and disease among innocent German children. If Members of Congress understood and appreciated the real conditions, they would not hesitate to vote to afford relief for that awful tragedy.

The statistical statement compiled by the American Friends' headquarters in Germany, giving figures up to March 1, 1924, shows that 2,500,000 German children are starving and that there is ten times the former tuberculosis rate among school children. The figures as to the number of undernourished and starving children were substantiated by Prof. Ernest M. Patterson, of Pennsylvania, and Dr. Haven Emerson, of Columbia, both specialists, who investigated and made extensive reports of the economic conditions in Germany. Professor Patterson testified "that the total number of people in Germany that are in need of more or less relief is approximately 20,000,000, or one-third of the population."

The following is an extract from a communication from the American ambassador in Berlin:

"In large areas of Berlin more than 50 per cent of the children are tubercular; they are weak from undernourishment. There is less than 50 per cent of the amount of milk necessary to supply their needs, and they are entirely without fuel with which to warm their homes."

Imagine, if you will, a mother with helpless, hungry babies suffering from tuberculosis in a home where the fire is never kindled, even during the coldest winter days. We did not fight women and children, and they were not responsible for the war. Many of the babies have been born since the war. Immediate action by America, both through private and governmental aid, is the only hope of the children in Germany.

How any man can fight little children who are crying for bread is hard to understand, but there are men in the United States who are doing just that because of their hatred for Germany. There is a sinister attempt being made to poison the minds of the American people and to convince them that the Germans are not in desperate circumstances.

We will not stand by with the accumulated wealth of the world and surplus foodstuffs rotting on the ground and watch these helpless children slowly starve to death. We can not afford to be a party to such a policy. There is no alternative except to let these children starve to death or afford them some immediate relief to maintain them until the next harvest in July. We must and will respond for the sake of humanity and the future peace of the world. Let us not forget the words of Abraham Lincoln, "With malice toward none and charity for all." We should look upon this relief measure as a matter of humanity and civilization, having a direct bearing on peace and good will throughout the world. What is needed in the world to-day is the triumph of the gospel of good will over hatred and revenge.

Asked to express his views in reference to the Fish resolution, Secretary of Commerce Herbert Hoover is quoted as having said:

I can only feel one way about children. With a record of having engaged in the relief of somewhere upward of 20,000,000 children in these 23 different countries in Europe, I could not oppose, but must support, provision against the undernourishment of children anywhere. I can argue very heartily on the failure of adults and the misdoings and misdeeds of the governments that bring these situations about; but I can not apply these arguments against children. Our one hope is that the next generation will be better than this one, and there is no hope if they are to be stunted and degenerated from undernourishment. I recognize that many arguments may be brought against charitable action, either by private agencies or by our Government, but I refuse to apply these arguments to children.

I do not think there is any need of arguing as to the conditions in Germany. All the Members of the Senate recognize that help is needed there; but if we are going to give help to these unfortunate women and children, then we should do it immediately.

It is not my purpose to discuss this subject at any length, but I should like to know why the Committee on Foreign Relations can not get busy on this joint resolution and report it out. I believe with Mr. Hoover that this is no time for technical arguments. The $10,000,000 appropriation proposed does not go far enough, in my opinion, but it will be of some help if it comes in time.

The Dawes committee report, if accepted by the Allies and by Germany, may offer something of a solution of the difficulties over there; but as to that there is still a good deal of uncertainty. I have not had time to make a study of the report and am not prepared to say whether it offers the way out or not. Even if it does, however, the results to be obtained under it

will not be realized in time to save tens of thousands of people from suffering and death within the confines of the present German Republic.

I suggest that the Senate Committee on Foreign Relations get action on House Joint Resolution 180 and report it out immediately. Let us have the candor to show where we stand.

Mr. President, I have just a few words to add to what I have said.

A very prominent official in the State of Minnesota, and one of the bravest men that was sent across during the war, an officer of high rank, visited Germany a short time ago, and when I read his report on the conditions in Germany I sat down yesterday and wrote out these few simple statements. We are talking about the tariff here, and talking about revenue, and talking about many other things that can well afford to wait while we pass the Fish joint resolution. The joint resolution will have my support, and therefore I take this opportunity to urge that the matter be taken up immediately.

INDEPENDENT OFFICES APPROPRIATIONS

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 8233) making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, and offices, for the fiscal year ending June 30, 1925, and for other purposes.

Mr. RANSDELL. Mr. President and Senators, my colleague [Mr. BROUSSARD] has covered the matter at issue so fully that I hardly know what to say.

I am very much in favor of the action taken by the Appropriations Committee in striking out the provision on page 23 of the pending bill. It seems to me that any other action on the part of the committee would have been not only very unwise but extremely unjust, and would have been establishing an entirely new rule in the legislative procedure that should govern Congress, and in the conduct of the business of the various commissions and boards that assist in carrying on the greatest Government on earth.

The purpose of this provision as passed by the House was to prevent the members of the Tariff Commission who have, or whose families have, any interest whatsoever, direct or indirect, in a matter pending before the commission from sitting in the hearings of that body. Beyond any question, Mr. President and Senators, the provision under discussion was directed at Commissioner Henry H. Glassie. That statement is borne out by the fact that on the 22d of January the Senator from Arkansas [Mr. ROBINSON] submitted Senate Resolution 131, which specifically mentions Commissioner H. H. Glassie, and concludes with instructions to the Tariff Commission to adopt rules and regulations debarring him from acting in a matter in which he is alleged to be debarred because of his wife's interest in certain sugar properties in the State of Louisiana.

On the 26th of February of this year the Senator from Arkansas [Mr. ROBINSON] introduced Senate bill 2638, a bill to provide for the disqualification, under certain conditions, of any member of the Interstate Commerce Commission, the Federal Trade Commission, or the United States Tariff Commission to participate in certain proceedings or investigations, and for other purposes.

That bill was referred to the Committee on the Judiciary. I know not what other Senators have done, but I asked the committee to permit me to be heard before the measure was acted upon. I understand that the bill was referred to a subcommittee, of which the Senator from Iowa [Mr. CUMMINS] is chairman, and that up to this date no action has been taken in regard to it.

The original resolution, Mr. President and Senators, was directed entirely against one person—Mr. Glassie—because, as stated, his wife owns a certain interest, alleged to be ten or twelve thousand dollars, in a sugar plantation in the State of Louisiana, said to be worth around $200,000. It was said that because of Mrs. Glassie's interest in that property, the remainder of the property being owned by her brothers and sisters, Mr. Glassie was disqualified from serving as a member of the Tariff Commission.

That is the plain issue.

Let us see what would be the result if the Tariff Commission should find such a state of facts that the President of the United States, under authority granted him by law, should increase by 50 per cent the present rate of duty on sugar. That is the idea—that this Tariff Commission of six men will find and present to the President such a state of facts that he will increase the rate of duty, or such facts as will perhaps induce him to lower the rate of duty as much as 50 per cent; for he can exercise his discretion under the law when the facts are found by the commission.

Suppose the President should exercise that discretion. Who would be affected by it? Would it affect the family of Mrs. Glassie alone? Not at all. It would affect every producer of sugar in the United States, all the cane-sugar producers, all the beet-sugar producers; it would affect the producers of sugar in Porto Rico, in Hawaii, in the Philippine Islands. It would affect literally millions of American citizens who are interested, directly and indirectly, in sugar. It would affect a great class of people—not the family of Mrs. Glassie alone and her brothers and sisters, but millions of people throughout the length and breadth of this great Republic and its possessions.

Senators, that makes a very different situation from the ordinary case of a man being personally interested in the matter pending before him; very different from the case of a judge who or whose family have a direct personal interest in the matter pending before him.

Let me say right here that in no sense is the Tariff Commission a judicial body, or even a quasi judicial body. It is a fact-finding body. The statute says so. My colleague brought that out with great force. He read into the record a recent opinion of the Attorney General of the United States showing that it is a fact-finding body. But we do not need to have anyone tell us that. Read the statute creating the body, and read the subsequent statute defining the duties of the body. Everything therein indicates that it is merely to find the facts and present those facts to the President of the United States.

Senators, let us be reasonable men. How were facts found, in regard to the great wheat industry, for instance, on which the President increased the duty on wheat considerably under the discretion vested in him by law?

I have no doubt the Tariff Commission was aided by literally hundreds of men in finding the facts, securing data from a great many sources; and finally, after all the investigations, and I presume after extended argument pro and con, the commission presented its finding to the President. I do not know what the finding was, but it would be very remarkable if it was a unanimous finding. They presented their finding of facts to the President. Who got up the facts? Did the commission get those facts together? No; those facts were brought together by the witnesses, the accountants, and the experts. What could the members of the commission be expected to know about the actual facts as to the cost of producing wheat in the United States as compared with the cost of producing wheat in Canada, in Argentina, in Russia? A question of facts, Senators, is one to be established by witnesses, by experts, by accountants. Those facts were presented to the Tariff Commission, and the members of the commission presented the facts to the President, and doubtless presented their own conclusions from those facts.

That is what they are expected to do with regard to sugar. I know from my investigation that a great many men have been inquiring into the facts in regard to sugar in this country, beet and cane sugar, also sugar in Cuba, the principal country from which comes the sugar that we do import. All the members of the Tariff Commission can do is to compile the facts found by these experts, auditors, and accountants and send to the President a statement of their conclusions based on those facts. It is for the President to say what he thinks should be done after the facts are presented.

Let us assume, for argument, that Mr. Glassie was so interested in this small property interest of his wife in that sugar plantation in Louisiana that it prejudiced him in favor of a higher rate of duty on sugar to such an extent that he could not do his duty as an official member of that fact-finding body. He is only one of six. There were five others there to act upon the facts as found by the experts. Even if Mr. Glassie were prejudiced, absolutely prejudiced, he is only one of six. He could not change the facts as found by the experts. They are matters that are fixed by the testimony, and in that event he and the other members would present to the President their conclusions upon the facts.

I am at a loss to understand, unless there be something sinister and hidden in this case, something that does not meet the eye, why the Tariff Commission is singled out, apparently, for slaughter in this matter. We heard something on this floor a few minutes ago about the Commissioner of Internal Revenue.

All of us know that even if some members of the tariff commission were immoral, and absolutely dishonest, its capacity to do wrong through one, or two, or even three of its members is infinitesimal by comparison with the power of the Commissioner of Internal Revenue, or with the power which the

Shipping Board exercises, or with the power of the Federal Trade Commission, or with the power of the Interstate Commerce Commission, or with the power of a number of bureau chiefs of the various departments of this Government. If we are going to suspect a member of the Tariff Commission of dishonesty, and single him out for slaughter, why not suspect a number of other officials of the Government who have far greater power, and single them out also? Oh, Senators, this attack made on the Tariff Commission is not worthy of us.

I do not care to discuss the charges of indecency and lobbyism flung against my friend, Mr. Glassie, and two other members of that commission, but I venture to say that those gentlemen rank along with any citizens of this Republic. They have done their duty as they understand it. Mr. Glassie has been absolutely frank and open in this matter. It was his testimony that showed the interest of his wife. He did not deny it in the slightest degree. He performed his duty as he understood it.

Let me remind Senators that this question has been considered by Congress, or very similar matters have been considered by us in the past. The question of whether a Senator or a Representative shall vote on measures pending before Congress when he or some member of his family is interested in the legislation has been often before us. I would like to call the attention of the Senate to the rule in regard to that, because it is certainly very similar to this case. It is parallel in every respect to this. What is the rule? It is very simple. I read from Hinds' Precedents, page 503, paragraph 5952:

Where the subject matter before the House affects a class rather than individuals, the personal interest of Members who belong to the class is not such as to disqualify them from voting.

Where the subject matter affects a class rather than individuals, the Members are not disqualified from voting.

Senators, I have shown that this matter affects a class, affects everyone in the United States and our island possessions who is at all interested in the production of sugar, for if the President exercises the power vested in him and lowers the rate of duty 50 per cent, or raises it 50 per cent, that lowers or adds to the price of all the sugar produced in Porto Rico, the Philippine Islands, Hawaii, the beet sugar sections of the United States, and the Louisiana sugar cane section. It affects all the people who in any way produce sugar or are interested in it. It is a great class. It is no individual.

Let me read a little further from this report and see what is said:

On April 11, 1874, the House was considering the bill of the House (No. 1572) to amend the several acts providing a national currency and to establish free banking, and for other purposes.

During the proceedings Mr. Robert M. Speer, of Pennsylvania, made the point of order that certain Members holding stock in national banks were not entitled to vote, being personally interested in the pending question. Mr. Speer mentioned three Members—Messrs. Poland, of Vermont, and Hamilton and Phelps, of New Jersey—who were officers of national banks, and therefore, as he held, not entitled to vote on the pending question, which included the following proposition.

This is the question; this is the proposed legislation:

That in lieu of a tax of 1 per cent per annum now imposed by law on the outstanding circulation of national banks, a tax of 3 per cent per annum, payable semiannually in gold, shall be collected upon the circulation which has been issued to each national bank which has not been returned for cancellation.

Senators see that was a considerable proposed increase. It was a matter in which those three Members of the House, officers and stockholders of national banks, were considerably interested, whether the tax should be 1 per cent or should be raised to 3 per cent. This is what the presiding officer said:

Now, the question comes back whether or not the House has a right to say to any Member that he shall not vote upon any question, and especially if the House has a right to say that if 147 Members come here, each owning one share of national-bank stock (which there is no law to prohibit them from holding), they shall, by reason of that very fact, be incapacitated from legislating on this whole question.

If there is a majority of one in the House that holds each a single share of stock, and it incapacitates the Members from voting, then, of course, the House can not approach that legislation; it stops right there. * * * Now, it has always been held—

And I ask the special attention of Senators to this—

that where legislation affected a class as distinct from individuals, a Member might vote. Of course, everyone will see the impropriety of a sitting Member in the case of a contest voting on his own case. That is so palpably an individual personal interest that there can be no question about it. It comes right down to that single man. There is no class in the matter at all. But where a man does not stand in any way distinct from a class, the uniform ruling of the American House of Representatives and of the British Parliament, from which we derive our rulings, have been one way. In the year 1871—the Chair is indebted for the suggestion to the gentleman from Massachusetts [Mr. G. F. Hoar], but he remembers the case himself—when a bill was pending in the British House of Commons to abolish the right to sell commissions in the army, which officers had always heretofore enjoyed, and to give a specific sum of money to each army officer in lieu thereof, there were many officers of the army members of the British House of Commons, as there always are, and the point was made that those members could not vote on that bill because they had immediate and direct pecuniary interest in it.

It was money in their pockets, direct and immediate.

The House of Commons did not sustain that point, because the officers referred to only had that interest which was in common with the entire class of army officers outside of the House, many thousands in number.

In that case those members of the British House of Commons were voting money into their pockets directly, and yet it was held that as thousands and thousands of men on the outside were interested in it, they had a perfect right to vote.

In the present case, if Mr. Glassie was influenced by the very small interest of his wife in that Louisiana sugar plantation, it would be rather remarkable. It could not have been more than a very, very small interest, extremely small, when it is worked down, being only $10,000 in a $200,000 plantation which had been losing money most of the time. Nearly all the Louisiana sugar planters have gone broke. If that property has made money, I do not know of many others that have. It was an infinitesimal matter, but it reached the beet-sugar producers from all over the country just the same as it did the members of Mrs. Glassie's family. It reached everybody, as I said. It reached millions and millions of American citizens. It was a class, and I hope Senators will bear that in mind, because I want them to remember that if Members of Congress can vote when a class is affected, even if they have some interest in it, surely the members of the Tariff Commission ought to be allowed to vote when a great class is interested, even if through some member of their family they seem to have a little interest.

The Speaker then proceeded to say:

Since I have had the honor of being a Member of this House, on the floor and in the chair, many bills giving bounty to soldiers have been voted on here. We have the honor of the presence on this floor of many gentlemen distinguished in the military service who had the benefit of those bounties directly and indirectly. It never could be made a point that they were incapacitated from voting on those bills.

Bounties to soldiers, and many soldiers in the Congress, and yet they were not incapacitated from voting on those bills. Here is the rule, Senators:

They did not enjoy the benefit arising from the legislation distinct and separate from thousands of men in the country who had held similar positions. It was not an interest distinct from the public interest in any way.

The interest of Mrs. Glassie, let me repeat, and of her brothers and sisters, if they were interested in that matter pending before the Tariff Commission, was not a personal interest but an interest similar to that of a great many other citizens of the Nation. The Speaker continued:

And further, as the gentleman from Massachusetts, the chairman of the Committee on Ways and Means [Mr. Henry L. Dawes], has well said, if it should be decided to-day that a Member who holds a share of national-bank stock shall not vote on the question relating to national banks, then the question might come up whether a Member interested in the manufacture of cotton shall have the right to vote upon the tariff on cotton goods, or whether a Member representing a cotton State shall vote upon the question whether cotton shall be taxed, for that interest is largely represented here by gentlemen engaged in the planting of cotton. And so you can go through the whole round of business and find upon this floor gentlemen who, in common with many citizens outside of this House, have an interest in questions before the House. But they do not have that interest separate and distinct from a class and, within the meaning of the rule, distinct from the public interest. The Chair, therefore, has no hesitation in saying that he does not sustain the point of order presented by the gentleman from Pennsylvania [Mr. Speer].

Mr. William S. Holman, of Indiana, having appealed from this decision, the appeal was laid on the table; and so the decision of the Chair was sustained.

Now, Senators, that is the rule, as I understand it, the universal rule in legislative bodies. Why should there be a different rule in a body like the Tariff Commission? It seems to me, if we wish to do something of this kind, consideration of the bill introduced by the Senator from Arkansas [Mr. ROBINSON] is the proper procedure. He includes in that the Tariff Board, the Federal Trade Commission, and the Interstate Commerce Commission; and just so certain as that bill is ever reported to this body by the Judiciary Committee—and I am glad the distinguished chairman of that committee is listening to what I am saying—it will undoubtedly include in its provisions a great many other officials besides the members of those three great commissions, because there are a great many officials in this Government who have just as much interest in matters pending before them which would disqualify them if we are going to have such a rule of disqualification as to the members of the Tariff Commission, the Federal Trade Commission, and the Interstate Commerce Commission.

I will go further and say that if a bill is reported against these officials, in my judgment it should also provide that no Member of Congress who, directly or indirectly down to the fourth degree of blood or affinity, has any interest in the matter, shall vote on measures pending before Congress, because that is where it logically leads. I do not believe that any such measure as that is going to be passed. I believe that the Senate is going to sustain the Appropriations Committee in striking out the provision. I sincerely hope it will be sustained, for its action was just.

Mr. President, I would like to have the privilege of inserting as a part of my remarks, without reading, a statement of the facts in regard to this case prepared for me by Mr. Glassie. I ask to make it a part of my remarks without reading.

The PRESIDING OFFICER (Mr. WILLIS in the chair). Is there objection to the request of the Senator from Louisiana? The Chair hears none, and it is so ordered.

The matter referred to is as follows:

A STATEMENT OF FACTS

(In the matter of the investigation of the costs of production of sugar, January 15, 1924, Washington, D. C.)

Commissioner GLASSIE. Mr. Chairman, in accordance with a purpose communicated a considerable time ago to my colleagues on the commission, I desire to make a statement of fact for the record, for the information, use, and benefit of all parties concerned. That statement, of course, has relation to a matter concerning which a certain degree of publicity has already been given.

I am not in the business of producing or planting cane, or of producing sugar. I am not engaged in that business, and I personally have no property invested in that business; but my wife is the owner, by inheritance, of 144 shares of a par value of $100, in the Columbia Sugar Co., a Louisiana corporation owning and operating a sugar plantation and mill, also operating on that plantation, though not at the present time, the business of raising rice.

The stock in this company, which I believe is stated at $200,000 par value, is owned in varying proportions by four brothers and one sister of my wife. The major part of that stock is owned by one of my wife's brothers; another portion, not so large, but considerably larger than the remaining ones that I shall mention, is owned by another brother; the residue is owned by my sister-in-law and my wife, by one of my brothers-in-law who is in the Army, and another brother-in-law who is in the Consular Service. With the exception of one of these brothers-in-law, all of these men have other occupations. One brother-in-law manages and lives upon the plantation.

Those are the facts with regard to my indirect connection, through my wife and my wife's family, with the sugar industry.

I have, of course, given the question of the possible objection to a member of this commission sitting in an investigation where persons related to him by marriage have, and where his own wife has, a property interest in a company, firm, or other association which, along with all other manufacturers or producers of that commodity, is affected or would be affected by a change in the tariff duty, very careful consideration.

The statute organizing and creating this commission provides for six commissioners, and, among other things, it provides that no commissioner shall be actively engaged in any business. The question whether a commissioner who is related to any persons having directly or indirectly any interest in an industry affected by the tariff duty is thereby disqualified from sitting has been considered by the commission and it has been suggested that such an interest is a disqualification. I, as I say, have given the matter very serious and earnest consideration and, as the public has been made aware, the general subject has been taken to the President of the United States.

The conclusion to which my examination tends to lead me is that in conducting an investigation to assist the President in the discharge of his duties under section 315 of the tariff act of 1922, and in collecting the evidence to be submitted to him and in expressing the views of each commissioner (and if they agree, of all commissioners) as to the conclusions which ought to be drawn from the evidence, the existence of an ownership in a relative, or the existence of the ownership in a wife, of a stock interest in a company which, along with all other companies engaged in that business, might be affected, is not engaging in the business under the statute, nor is it a common-law disqualification.

I have been led to think by my examination also—and I understand that this is the view upon which this proceeding will go forward—that the question whether, under the particular circumstances of the case, under the existence of such an interest in a relative or in relatives—in a wife, as I have indicated here—a commissioner should be led to request that he be excused from participating in the investigation is a question that can only be decided by him after fully considering whatever may be urged or offered by the parties interested, upon his own responsibility, in accordance with his own judgment, and subject to the sanction of his own conscience.

I think also that under circumstances like these a commissioner concerning whom any such suggestion is made should not conclusively determine his own mind and close it until all parties having or conceiving themselves to have an interest in the question have been given a full and complete opportunity to take such action and to express such view as they may deem proper.

It is for that reason that I have at the outset of this hearing taken this time to lay these facts upon the record, in order that all parties concerned may have an opportunity to confer concerning them and to determine what course of action they think they should take.

In conclusion, I think I may be permitted to make this remark, that if this were a matter of mere personal satisfaction and convenience, in view of the rumors, suggestions, and innuendoes which have appeared here and there, it would be gratifying to me, and I should be inclined, if it did not interfere with the public business, to request that I might be excused from participation in the consideration of this matter and in the disposition of it. But I feel, constituted as the commission is, that the parties interested, the parties appearing for the various producing and importing or whatever interests may be here, are entitled, first, to know the facts, and entitled to have their views publicly expressed. I therefore have made this statement, which I now conclude.

* * * * * * *

A STATEMENT OF FACTS

This matter began with an attempt during the winter of 1922–23 to bring about the adoption by the Tariff Commission of a rule which would exclude from participation in any investigation a commissioner related in any degree to any person having an interest in the industry to which the investigation related.

At that time the Tariff Commission had a committee on procedure, consisting of Mr. Culbertson, Mr. Costigan, and Mr. Lewis. Shortly after taking office on March 8, 1923, Mr. Glassie was added to that committee, which was then considering a revision of the commission's rules of procedure. Among the proposed rules was one brought forward by Mr. Culbertson having for its object the disqualification of commissioners related to or connected with parties interested in an investigation.

When this proposed rule came up for discussion by the committee Mr. Glassie pointed out what, in his judgment, constituted the fatal grounds of objection to the commission's attempting to adopt any such rule. He pointed out, moreover, that the rule as framed would operate not only against the members toward whom it was supposedly directed but also against himself. He drew his colleagues' attention to the fact, already well known to all persons having any knowledge of him or his history, namely, that his wife, the daughter of the late Senator Donelson Caffery, of Louisiana, was the owner, by inheritance, of a small interest in a sugar plantation in Louisiana. Indeed, a part of this plantation had been in her father's family for a century. It was also pointed out by Mr. Glassie that the other stockholders in the sugar-plantation company were his wife's brothers and sister, who owned the stock in varying proportions, all of them but one, who managed the plantation, being engaged in other professions and occupations.

On July 23, 1923, a few minutes before the close of the commission's regular meeting, Commissioner Culbertson, acting for a majority of the procedure committee, laid before the commission a draft of the revised rules of procedure. Included in this draft was a proposed rule of disqualification.

Between July 23, 1923, and November 30, 1923, however, no effort was made to bring up for discussion the revision of the rules or the particular rule in question. On November 30, 1923, in Mr. Glassie's absence, Mr. Culbertson moved the adoption of that section of the revision of the committee's rules of procedure which had been laid before the commission on July 23, 1924. At the succeeding meetings of December 5, 7, 10, and 11 Mr. Culbertson was not present.

On December 14, 1923, the commission, in reference to that portion of the rules of procedure referred to by Commissioner Culbertson on November 30, 1923, made it an order of business for the meeting of December 19, 1923.

The proposed rule is as follows:

"SEC. —. If it shall appear that any commissioner or member of the commission's staff is in any special or private way, other than his connection with the commission or the general public, concerned in interest in any proceeding or investigation of the commission under the provisions of sections 315, 316, or 317, or is related to or connected with any party in interest in any such proceeding or investigation, he shall not participate therein.

"Whenever any party in interest in any such proceeding or investigation shall make and file an application or complaint accompanied by an affidavit reciting that any commissioner or member of the commission's staff connected with any such investigation has a personal prejudice or bias, based upon such special or private interest in, or such relation to or connection with any party in interest in any such proceeding or investigation, the commission shall forthwith determine whether such commissioner or member of the commission's staff is disqualified to participate further in such proceeding or investigation.

"Every such affidavit shall state the facts and the reasons for the belief that such prejudice or bias exists and shall recite that such application or complaint and affidavit are made in good faith. Such application or complaint and affidavit shall be filed not later than five days before the date fixed for holding any public hearing in such proceeding or investigation or good cause shall be shown for the failure to file them within such time. No party shall be entitled to file more than one such application and one such affidavit in any investigation."

The proposal of Mr. Culbertson was discussed by each commissioner in turn. Having given the matter mature consideration and having reduced to writing his views on the legal aspects of the matter, Mr. Glassie read to his colleagues the following statement in which he discussed in a clear and dispassionate way the construction, the effect and validity of a rule which would add novel conditions to the statutory qualifications of a commissioner and place in the hands of the majority of the remaining commissioners the power to try and to determine an issue as to the particular state of fact under which a commissioner would be permitted to exercise his statutory functions. Mr. Glassie's statement, which forms part of the minutes of the tariff commission, is as follows:

[From the minutes of the United States Tariff Commission December 19, 1923]

COMMISSIONER GLASSIE'S STATEMENT

The rule, as now proposed, seems to embrace two distinct matters: The first relates to supposed disqualification by reason of interest. The second relates to supposed disqualification by reason of personal prejudice or bias.

It also combines provisions respecting the conduct of employees of the commission with provisions respecting the qualifications of the several members of the commission itself. We may confine our observation to the latter aspect.

The first part of the section proceeds upon the assumption that a commissioner may be expected to disregard the obligation of his office if he happens to have, or if anyone in his family connection happens to have, an interest in the industry with which the investigation is concerned. For this seems to be the meaning that must be given to the studiously phrased, but not very happily chosen, language of the draft.

According to its syntactical construction, the provision runs:

"Any commissioner who is in any special or private way, other than his connection with the commission or the general public, concerned in interest or related to or connected with any party in interest in any proceeding or investigation under the provisions of sections 315, 316, or 317, is disqualified from participating in such proceeding or investigation."

The words "in any special or private way" relate to "concerned in interest in any proceeding or investigation." Grammatically "in any special or private way" qualifies "concerned in interest." And the interest mentioned is in turn an "interest in a proceeding or investigation." But this "special or private" interest in "a proceeding or investigation" is apparently intended to mean a property or other pecuniary interest in an industry or business affected by the tariff duty which may be changed as a result of the investigation. There can not well be a concern in interest in an investigation as such. There can be only a concern in interest in an industry or business affected by the investigation.

It seems hardly necessary to point out that this is an unprecedented extension of the notion of disqualification by interest. An interest in an industry affected as a whole by an investigation into the tariff duty relating to the industry as a whole is in no sense equivalent to the legal conception of the term interest. So far as my reading goes, no such common or general interest has ever been held a disqualification to deal, as judge or otherwise, even with actual litigation affecting that industry.

In practical and legal effect this extension of the term "interest" would mean that if a commissioner were related in any degree to any person engaged in such industry or owning a share of stock in a corporation engaged in such industry, he would be ipso facto disqualified from participating in an investigation concerning that industry.

I have been unable to find any instance in which the general notion of disqualification by interest has been carried to any such length.

The situation in an investigation into foreign and domestic costs of production under section 315 is manifestly different from that existing in a litigation between private parties, where a judge's qualification is challenged because of his relation to a person or corporation, a direct party to the suit. In the investigation the possible interest is indirect and secondary. In the litigation it is immediate and primary.

In the latter situation legislatures have enacted statutes declaring a disqualification and providing for the transfer of the cause to another judge for trial.

Yet the cases under such statutes illustrate both the difficulty in laying down definite rules on the subject and the refusal of the courts to extend any such statutory prohibition by construction. (Favorite *v.* Superior Court, 181 Cal. 261; 184 Pac. 15; 8 A. L. R. 290. Norwich Union F. Ins. Co. *v.* Standard Drug Co., 121 Miss. 510; 11 A. L. R., pp. 1321, 1323.)

In former case the California Code of Judicial Procedure, section 120, provides:

"No justice, judge, or justice of the peace shall sit or act as such in any action or proceeding: 1. To which he is a party or in which he is interested. 2. When he is related to either party or to an officer of a corporation which is a party, or to an attorney, counsel, or agent of either party by consanguinity or affinity within the third degree, computed according to the rules of law."

It was urged that a judge was disqualified under this statute because of the admitted fact that his wife was a stockholder in a corporation a party to the suit. But the State supreme court decided otherwise.

Favorite *v.* Superior Court (181 Calif. 261; 184 Pac. 15; 8 A. L. R. 290): It was held that the wife's ownership of stock in the corporation defendant did not make her a party to the action within the meaning of the statute; that the legislature must be presumed to have considered and declared what facts were necessary to disqualify a judge; and that it did not intend "to create disqualification by reason of the relationship of the judge to any person connected with a corporation except an officer thereof."

The court pointed out—

"If the corporations of this State could disqualify a judge and obtain a change of the place of trial whenever some relative of the judge within the third degree was or should become a stockholder of such corporation, it might be made very difficult, as against many corporations, to find a judge or a court where the cause to which such corporation was a party could be tried. No great effort of the imagination is necessary to perceive the consequences of such a rule. In many cases it would operate to defeat justice."

Favorite *v.* Superior Court (181 Calif. 261; 184 Pac. 15; 8 A. L. R., p. 295): All the cases, with the exception of cases in South Dakota and Michigan, appear to be to the same effect.

Houston Cem. Co. *v.* Drew, 13 Tex. Civ. App. 536.

Bank of Lansingburgh *v.* McKie, 7 How. Pr. (N. Y.) 360.

Re Dodge, 77 N. Y. 101.

Scarburgh Turnp. Co. *v.* Cutter, 6 Vt. 315.

Erva Plant Co. *v.* Holt, 18 Hawaii, 509.

Two points stand out in these decisions:

First. That it is for the legislature, and the legislature alone, to define and declare what facts of interest and relationship shall disqualify judges.

Second. That relation to a person having an indirect and secondary interest, such as that of a stockholder in a corporation, is not generally regarded as reasonable ground for disqualification, even where the very litigation itself is direct at that corporation as an immediate party.

How much less can such a relationship be deemed a disqualification when the interest in question is the interest shared by all the other persons engaged in the same industry in the indirect, intangible consequence resulting from the degree of protection afforded by a general customs duty?

Yet the proposed rule, assuming to legislate upon the qualifications of the commissioners indiscriminately disqualifies upon the bare existence of an interest in the industry, however small, held by a relative, however remote.

But that is not the only difficulty in this proposed rule. The essential difficulty is that under the guise of rules of procedure it is proposed to place in the hands of a majority of the commission the power to determine the qualifications of the members of the commission. These are, and can only be, established by statute. Neither the com-

mission nor any number of commissioners can prescribe the qualifications of a commissioner by enacting that a commissioner related to any person having a property interest in an industry affected by a tariff shall be incompetent to participate in any investigation of that industry.

Under this proposed rule one of two things must be true. Either the commissioner is left the sole judge of his own disqualification and is free to recuse himself or not, according to his own view of the question, whether he is or is not concerned in interest or whether some person to whom he is related is concerned in interest, or a majority of the commission is made the judge of the nature of such disqualification and the facts necessary to establish it. In the former case the matter is left exactly where the law now leaves it, namely, that a commissioner may be permitted to recuse himself whenever he feels that the fair and impartial exercise of his functions may be affected or embarrassed. If that is not the effect of the proposed draft, then it clearly means that the other members of the commission, or a majority of them, shall be invested with power, first, to determine what constitutes being "concerned in interest in any investigation in any special or private way"; and second, what facts make a case of being "related to or connected with any party in interest in any such investigation." In this latter view the remaining commissioners, or a majority thereof, constitute themselves a jury for trying a challenge on the ground of an alleged interest as prescribed in the language of the rule.

On the former hypothesis the rule is useless. Indeed it is worse than useless, because it attempts to define by rule what shall be ground for a commissioner's recusing himself. So far as my observation extends no such provision will be found in the rules of any court. To my knowledge no court has attempted to define in its rules what should constitute a disqualification of its members or to lay down any rule for the guidance of the individual judge in recusing himself.

On the latter hypothesis, namely, that of compulsory disqualification, the rule is simply invalid.

It is ultra vires the commission. Congress has constituted the Tariff Commission and prescribed the qualifications of its members. No member or combination of members can alter these qualifications by annexing conditions to the exercise of the functions involved in such membership. Members of the commission can no more prescribe that relationship in any degree to a person engaged in the industry in question shall be a disqualification than they can prescribe that previous experience in the industry, or the fact that a commissioner had voted for or against a tariff bill affecting that industry, shall be a disqualification.

It is no answer to say that one should not be a judge in his own cause. That is true. But where interest is a disqualification the disqualification exists either by general law or by special statute, and the law in one case and the statute in the other is the only test and judge of the disqualification. Members of a board or commission can neither create nor define, can neither limit nor enlarge, the disqualification by any definition of their own.

The second part of the proposed rule is equally subject to objection. This part is manifestly imitated from section 31 of the Federal Judicial Code (36 Stat., p. 1090; 4 Compiled Stats., p. 932). But the meaning, purpose, and effect of that section do not seem to have been clearly understood. The points to be borne in mind with respect to code, section 21, are these:

1. It relates merely to personal bias or prejudice. "The basis of disqualification is that 'personal bias or prejudice' exists by reason of which the judge is unable to impartially exercise his function in the particular case." (Ex Parte American Steel Barrel Co. and Seaman, 230 U. S. 35, 43.)

2. The provision relates to the ousting of a trial judge of the courts of the United States under a system whereby the ousted judge is immediately replaced by another. That is the reason why the party to the suit is permitted to make only one such objection.

3. The right to exclude the judge is not dependent upon the truth of the alleged bias or prejudice but upon the willingness of the party to make an affidavit of its truth. If the party is willing to swear that the judge has a personal bias or prejudice against him, that ends the matter, and the judge is excluded, although the fact, if tried, might be found to be otherwise.

(Henry v. Speer (C. C. A., 5, Cir.), 201 Fed. 869, 872)

The effect of a proper affidavit, complying with the statute and accompanied by the required certificate of counsel, is an immediate cessation of action by the judge whose bias or prejudice is averred.

(Berger v. United States, 255 U. S. 22, 23)

In the statements of alleged personal bias or prejudice, the party's affidavit, however untrue in fact, is taken for true for the purpose of ouster. The only restraint is an indictment against the party for perjury.

(Berger v. United States, 255 U. S. 22, 35)

4. The bias must be personal bias and is not limited to bias based on a supposed interest shared by the judge.

"The statute qualifies the word bias and prejudice by the single word 'personal.' * * * It is contended that the use of the word in the statute, in view of the context, is merely cumulative and tautological; that it may be omitted from the affidavit, and still the quality of bias or prejudice will be revealed to be personal. But the statute requires the use of the word, and it may not be avoided. Owing to the nature of the statute and its liability to abuse, we are inclined to hold those seeking to avail themselves of it to a strict and full compliance with its provisions."

(Henry v. Speer (C. C. A., 5 Cir.), 201 Fed. 869, 872)

How far the draftsman of this proposed rule has departed from the intent and meaning of the Judicial Code is thus made plain. The statute makes the test of the judge's disqualification a bias or prejudice against the party himself—a bias or prejudice which is personal to the party.

(Ex Parte American Steel Barrel Co. and Seaman, 230 U. S. 35, 43)

But the proposed section makes the test of disqualification "a personal prejudice or bias, based upon such special or private interest in or such relation to or connection with any party in interest in any such proceeding or investigation."

The proposed provision therefore would be at once too narrow and too wide.

It is too wide in that it destroys the essence of a personal prejudice or bias by extending the action to a matter of private interest. It thus combines two distinct categories—interest and personal prejudice.

It is too narrow in that it excludes all other personal prejudice or bias except that supposed to arise from a special or private interest. There are many kinds of prejudice or bias which have nothing whatever to do with any private pecuniary or property interest. Nor is the legal effect any the less. In the language of an appellate court, "If prejudice existed it makes no earthly difference in the law of the case how that prejudice was engendered." Thus the effect of the proposed rule would be to defeat the assumed right of a party to be relieved against "a personal prejudice or bias, a bias or prejudice possessed by the judge specifically applicable to or directed against the suitor making the affidavit or in favor of his opponent."

(Henry v. Speer, 201 Fed. 869, 871–872)

5. But in seeking to imitate Judicial Code, section 21, the draftsman of this proposed rule not only misses the point of that section but erroneously assumes that a special statutory procedure specifically created and prescribed by Congress can be called into being as part of the rules of procedure of a subordinate special board. When Congress provided that a party in a Federal court could exclude a judge, it not only defined the privilege but it provided a means whereby the excluded judge would be replaced. And in granting this special statutory privilege it placed a statutory limitation upon it, namely, that it would be exercised only once. In other words, Congress acted as the sole power capable to judge of the circumstances under which this sort of action might be taken.

Congress was willing to let one trial judge be disqualified on the bare affidavit because he could be readily replaced. But it was not willing that a party having once exercised this arbitrary privilege could exercise it a second time, no matter what be the supposed ground for it.

6. Failing to appreciate that the power to disqualify a judge by an affidavit of personal prejudice or bias is of statutory origin, that it is not concerned with the truth or falsity of the charge and calls for no determination of the existence of the alleged bias, the draftsman of this proposed rule proceeds to provide that "the commission shall forthwith determine whether such commissioner * * * shall be disqualified to participate." Again, this language contemplates a trial of an issue and would invest the remaining commissioners, or a majority thereof, with the power to determine, upon affidavit of interested parties, the statutory qualifications of a member of the commission.

It is to be noted also that this "personal prejudice or bias" affidavit may go to the question of "relation to or connection with a party in interest in any such proceeding or investigation."

One may be pardoned for failing to see how the question of personal prejudice can be tested by the relationship to a party in interest.

Other points might deserve notice. Judicial Code section 21 requires that every such affidavit shall be filed not less than 10 days before the beginning of the term of court or that good cause should be shown for the failure to file it within such time. As pointed out in Berger v. United States, this provision was intended, and was deemed sufficient, to prevent serious detriment or inconvenience to the administration of justice. All this goes to show that it is for Congress itself to determine the scope of, and the limitations upon, any special privilege of this character. The commission can not usurp the legislative function

in this regard and frame out of its own head, a proceeding which may cripple the administration of the commission's business or diminish the lawful powers of the members of the commission, as defined and prescribed by statute.

It is no answer to this to say that in a particular case personal bias or prejudice may exist. That may be granted. Everybody knows, and courts have said, that it takes many forms and may consist as much in a bias against one side as in a bias for another side. Prejudice may arise from fear as well as from favor. But the statute has committed the determination of questions of fact under section 315 to the commission as a whole; and where a commissioner himself feels that he can impartially hear the matter and a true determination render according to the evidence, no power lies in the other commissioners to hold the contrary or to set up, by partial and one-sided definitions, a single and exclusive test of bias or prejudice.

It is always within the province of any party before a tribunal to state, in the presence of the tribunal, any fact which he conceives to show that a member of the tribunal is incapable of performing his duties according to law. But except where the common law provides a rule or the legislature has prescribed one and provided a method the answer to any such suggestion lies in the man against whom the suggestion is made. It is for him to say whether he feels qualified, notwithstanding the suggestion, to perform his duty. If upon his own motion or upon the suggestion of parties he sees fit to recuse himself, he may retire from consideration of the matter, provided the effect of his retirement be not to prevent its lawful consideration altogether.

To sum up: There are only two sources of disqualification, the general common law and the statute law. The general common law can not be made the subject of a rule of procedure; neither can the statute law. Where statutory provision exist, such as Judicial Code section 21, they are enforcible according to their terms. And all proceedings under them "must be strictly construed and must strictly conform to the statute." (Henry *v.* Harris, 191 Fed. 869; Henry *v.* Speer, 201 Fed. 869.)

Mr. McKELLAR. Mr. President, it just happens that I do not know Mr. Glassie, and I know very little about the controversy in reference to the Tariff Commission, and therefore anything that I may say will not and can not be taken as personal to Mr. Glassie. I do not even know whether he is a Democrat or a Republican. Whether he or his wife are interested in the matters in which they are charged with being interested is, so far as my argument is concerned, immaterial. But I do wish to say that in my judgment this is a wise provision and should be enacted into law. I read it:

Provided, That no part of this appropriation shall be used to pay the salary of any member of the United States Tariff Commission who shall hereafter participate in any proceedings under said sections 315, 316, 317, and 318 of said act, approved September 21, 1922, wherein he or any member of his family has any special, direct, and pecuniary interest, or in respect to the subject matter of which he has acted as attorney, legislative agent, or special representative.

The reason why I am in favor of enacting this provision into law is because it is a plain ordinary rule of common honesty and decency. I cite as my first authority no less a personage than Mr. Thomas Jefferson in his rules, that are still a part of the rules of the Senate. On page 249 Mr. Jefferson said:

Where the private interests of a Member are concerned in a bill or question he is to withdraw. And where such an interest has appeared his voice has been disallowed, even after a division. In a case so contrary not only to the laws of decency but to the fundamental principle of social compact, which denies to any man to be a judge in his own cause, it is for the honor of the House that this rule of immemorial observance should be strictly adhered to.

Mr. President, I can not too strongly commend that statement of a manifest duty which was made by the great Thomas Jefferson over 100 years ago. It ought to be a rule of conduct now.

Mr. SMOOT. Mr. President——

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

Mr. McKELLAR. I yield.

Mr. SMOOT. I desire to ask the Senator a question; but first I will say that if that be his view and the Senate should act accordingly not a Senator in this body could vote for a reduction in taxes. How can a Senator of the United States, if that rule be followed out, vote for the bill which we are going to ask the Senate to vote on next week? There is not a Senator who will not be directly affected—not indirectly but directly affected—by the revenue bill.

Mr. McKELLAR. Mr. President, there are several answers to that question. The first and probably the conclusive answer to it is that Congress is not a judicial body nor a quasi-judicial body.

Mr. SMOOT. Nor is the Tariff Commission.

Mr. McKELLAR. Ah, Mr. President, but the Tariff Commission is a quasi-judicial body. It is just as much a quasi-judicial body as is the Court of Claims. It is a fact-finding commission. One is called a court and the other is called a commission, but they both find facts; one for the Congress to act upon and the other for the President to act upon. One as just as much of a court as is the other.

Mr. SMOOT. Mr. President——

Mr. McKELLAR. Now, let me get through, and I shall then be very glad to answer any question the Senator may ask me.

Mr. SMOOT. I desired to say to the Senator that he was citing the Jefferson rule as to legislative bodies.

Mr. McKELLAR. Yes; and I am going to say a word or two about that.

Mr. SMOOT. That is the reason I asked the Senator the question.

Mr. McKELLAR. I am going to speak about that in just a moment.

Mr. BRUCE. Mr. President——

Mr. McKELLAR. Just one moment.

The PRESIDING OFFICER. Does the Senator from Tennessee yield to the Senator from Maryland?

Mr. McKELLAR. I yield to the Senator.

Mr. BRUCE. I merely desire to ask the Senator from Utah one question and that is this: Suppose a Senator in this body were engaged in the manufacture of some particular commodity that should be very profoundly affected by a tariff schedule, does the Senator from Utah think it would be right for that Senator to vote on that schedule?

Mr. SMOOT. It ought to be left entirely to the Senator himself as to whether he will or whether he will not vote in such a case.

Mr. BRUCE. It should be left to the Senator himself, because the Senator is supposed to have enough conscience to realize what his scruples ought to be under such circumstances. It is a very strong illustration which was given by the Senator from Nebraska [Mr. NORRIS] here a few days ago of several Senators declining to vote exactly under those circumstances, and one voting only because he voted against his own interest.

Mr. SMOOT. Does the Senator from Maryland think that no Senator in this body who is interested in agricultural products should vote upon a measure affecting such products?

Mr. BRUCE. Not at all, because in that case the relation is too indirect; it is too oblique; but when a Senator is engaged directly in the manufacture of some commodity which is directly affected by tariff schedules, I say it is his duty to obey the injunction of that rule and not to vote at all.

Mr. SMOOT. I wish to call the Senator's attention to the fact that Senators are directly engaged in raising farm products.

Mr. McKELLAR. That is a difference of opinion—questions of that kind—and we are not going to go into vagaries and trifles at this time, if I can help it. What I want to talk about is concrete and substantial facts. The Senator from Utah [Mr. SMOOT] has asked me about the duties of Senators and Representatives and as to how they should vote. I wish to say to the Senator and to the Senate that whenever a Senator or Representative is directly interested in the pecuniary effect of a measure, which effect is not common to all the people of the whole country, but is only common to him and to a certain distinct or favored class of people, it is the duty of that Senator and of that Representative not to vote on that matter. Ordinary decency ought to prevent any Senator or Representative from voting where his interest is direct or substantial. I think we have gotten into too lax a habit. Judging from the things that have been read here by the Senator from Louisiana, frequently there is too much laxity. Sometimes the plain decency that is involved is overlooked. I repeat, no Senator ought to vote where his interests are directly affected. We all know when we are directly affected. A Senator in such a case should ask to be excused from voting, and if he does not ask to be excused, the Senate ought to excuse him from voting as a matter of right. We are pursuing in voting on matters where there is a personal interest a plan frequently that we ought not to pursue. Whenever Senators are directly interested in a question they ought not to vote or to speak in reference to it.

Now, Mr. President, what kind of a body is the Tariff Commission? It is a quasi-judicial body. It is called a fact-finding body. Of course it is a fact-finding body, but every court is also a fact-finding body. No court can give its judgment until the facts are found. Those facts have to be found by a jury. Then the court gives its judgment.

Whether you call it a jury, or a court, or a tariff commission, the substance is the same; it is a body established by law for the purpose of judicially determining a fact or state of facts. It does judicially determine questions; and when it gives its conclusions to the President of the United States it is a judicial act, whatever it may be called in the law itself.

Mr. DILL. Mr. President——

Mr. McKELLAR. I shall yield in just one moment.

Mr. President, let us see what the ordinary course is in reference to courts. There is no self-respecting judge in this country, if he be interested directly or indirectly or if he be related directly or indirectly to one of the litigants, who will sit in the case. Why is that? It is because honesty dictates that he should not do so; and to the great honor and credit of the judiciary of this country, it is only in the rarest instances where we ever find a judge who violates that very proper rule of conduct.

So it is, Mr. President, with juries, who are fact finders. The Senator from Utah talks about the Tariff Commission being merely a fact-finding commission; but take a jury. A jury is a fact-finding body; but if a member of that jury be related to a person on trial before the jury or interested in any way in the pending case, he is subject to challenge, in the first instance, and later of expulsion from the jury. Of course that is true. Why? Because common honesty dictates that he should not be called to act in a case in which his duty as a juror and his duty as an interested person might come into conflict. I now yield to the Senator from Washington. I hope he will excuse my not yielding before. So it is with high-class lawyers. They will not sit as judge in a case where they have been engaged as lawyers. I now yield.

Mr. DILL. Mr. President, I wish to suggest to the Senator from Tennessee that the Tariff Commission is a fact-finding and also a quasi-judicial body in place of the entire Congress of the United States. On the shoulders of those men there is placed the responsibility of determining for the whole country what the Congress of the United States has heretofore always determined. Therefore the application of the principle which the Senator from Tennessee is advocating and talks about is just that many more times important in this case.

Mr. McKELLAR. Precisely. The Tariff Commission has been clothed with unusual power to do what Congress ought to do, and, in my judgment, what Congress ought not to transfer to any other body; that is, the power to raise by 50 per cent or lower by 50 per cent tariff duties on any article. It is not sound or wise legislation. It is important surely that a body clothed with such power as that it should be absolutely above any kind of suspicion that their acts are the result of personal or pecuniary interest on their part—individual interest, family interest, legal interest, or any other kind of interest.

We are getting away from the principles and the policies that governed those who created this Government. We are getting away from the landmarks which guided us on the way to greatness. We should look to it that every tribunal, whether judicial, quasi judicial, legislative, or any other kind of tribunal, should be free from any kind of personal or pecuniary interest when it acts.

I know nothing in the world about Mr. Glassie, but if he is interested personally, or if his family is interested personally in the result of his findings as a member of the Tariff Commission, Mr. Glassie owes it to himself, he owes it to his country, he owes it to his good name not to serve in that capacity. I am not so sure but that any commissioner absolutely violates the law of the land when he does so. I wish to read section 1783 of the Revised Statutes; and I call attention of Senators to its far-reaching effect:

> No officer or agent of any banking or other commercial corporation, and no member of any mercantile or trading firm, or person directly or indirectly interested in the pecuniary profits or contracts of such corporation or firm shall be employed or shall act as an officer or agent of the United States for the transaction of business with such corporation or firm.

It has always been the law of this land that no man could act in two capacities, one as a representative of the Government and the other where he was himself interested.

Mr. President, I can not help at this time but call the attention of the Senate to a decision which I recently read, showing the marked difference in the manner in which we uphold the law in this country and the manner in which it is upheld in England. A man by the name of Dimes, in England, brought a suit before the vice chancellor against the Grand Junction Canal Co., involving the life of that company. It was tried by the vice chancellor and decided in favor of the company. It was thereupon, under English chancery practice, appealed to the Lord Chancellor, Lord Cottenham. The Lord Chancellor owned $15,000 worth of stock in the canal company, and without disposing of that interest he decided the case and affirmed the decision of the vice chancellor. It was claimed afterwards for him that he had merely affirmed the findings or the holdings of the vice chancellor and that his interest or lack of interest in the suit was immaterial; that he was a mere stockholder anyway, and that the company was a separate entity; that a stockholder is not interested in the company. Thereupon, Dimes appealed to the House of Lords, and when the case reached the House of Lords that body—the highest judicial body in England—reversed the decision and held that the law of the land applied to the Lord Chancellor of England just as it applied to the humblest subject of England. In reversing the decision the House of Lords took occasion to say that no judge should be interested in a pecuniary way in the subject matter of the litigation before him, and that a stockholder in a corporation had a direct interest in that corporation, and that they wanted the opinion to be published in England so that it might be understood that the Lord Chancellor himself could not violate the law. So it is in this case. Mr. Glassie ought not to be permitted to violate the law and violate that code of conduct which honest men have held to be right throughout English judicial history.

Mr. President, it is not a question of Mr. Glassie personally; it is a question of our passing a law to govern all of these bodies, because if it is passed in reference to this matter it will be passed in reference to other commissions.

Both of the Senators from Louisiana, making excellent arguments, have stated that they might be in favor of this proposed law if it were reported out separately. Why, Mr. President, of course this proposal never will become the law at this session of Congress if it is reported out in a separate bill. The only way in which it can become the law of the land at this session of Congress, as all of us know who are familiar with the rules of the Senate and its business, is by being adopted here whenever it is voted on. It is in order. It applies to the subject. There is no reason why it should not be voted on in this bill. There is no reason why it should not be voted on separately; and the idea of having it voted on separately is just another way of killing the measure. The Senate, I am sure, knows that if it is voted in the bill it will become a law. If it is not voted in the bill it will not become a law.

My good friend the Senator from Louisiana [Mr. RANSDELL] has read rulings from the House of Representatives. This bill was passed by the House. So far as the House can make it so, it is already the law to that extent. The House knew its rules when it passed the bill. The provision is already in the bill, and this amendment proposes to strike it out. I do not think it ought to be stricken out.

For the reasons I have stated, I hope the Senate will vote down the amendment of the committee. In my judgment, the committee ought not to have proposed the amendment; and I hope the amendment will be defeated.

Mr. SMOOT. Mr. President, perhaps it would be just as well for the attention of the Senate of the United States to be called to section 315 of the tariff act, under which the investigations to change the rates of duty imposed by the act of 1922 are to be carried on and the rates of duty either increased or decreased.

Section 315(a) provides:

> That in order to regulate the foreign commerce of the United States and to put into force and effect the policy of the Congress by this act intended, whenever the President, upon investigation of the differences in costs of production of articles wholly or in part the growth or product of the United States and of like or similar articles wholly or in part the growth or product of competing foreign countries shall find it thereby shown that the duties fixed in this act do not equalize the said differences in costs of production in the United States and the principal competing country he shall, by such investigation, ascertain said differences and determine and proclaim the changes in classification or increases or decreases in any rate of duty provided in this act shown by said ascertained differences in such costs of production necessary to equalize the same. Thirty days after the date of such proclamation or proclamations such changes in classification shall take effect, and such increased or decreased duties shall be levied, collected, and paid on such articles when imported from any foreign country into the United States or into any of its possessions (except the Philippine Islands, the Virgin Islands, and the islands of Guam and Tutuila): *Provided*, That the total increase or decrease of such rates of duty shall not exceed 50 per cent of the rates specified in Title I of this act, or in any amendatory act.

Mr. President, that power is given to the President of the United States to change the rates by either increasing or decreasing them.

Mr. McKELLAR. Mr. President, will the Senator yield to me?

The PRESIDENT pro tempore. Does the Senator from Utah yield to the Senator from Tennessee?

Mr. SMOOT. Yes.

Mr. McKELLAR. I want to read to the Senator another paragraph, on page 95, of this act:

> Investigations to assist the President in ascertaining differences in costs of production under this section shall be made by the United States Tariff Commission, and no proclamation shall be issued under this section until such investigation shall have been made. The commission shall give reasonable public notice of its hearings and shall give reasonable opportunity to parties interested to be present to produce evidence and to be heard. The commission is authorized to adopt such reasonable procedure, rules, and regulations as it may deem necessary.

That makes it a fact-finding commission, and, of course——

Mr. SMOOT. Let me do the arguing. The Senator has made his statement.

Mr. McKELLAR. The Senator interrupted me, and I was sure he would not object to my interrupting him.

Mr. SMOOT. If the Senator had just contained himself, I would have read the same section that he has read. I had no other idea.

Mr. McKELLAR. I am sure I did not offend the Senator by reading this section.

Mr. SMOOT. Not at all. The Senator has saved me the trouble of doing it.

Mr. McKELLAR. That is fine. The Senator ought to thank me for it, then.

Mr. SMOOT. I do thank the Senator, because he has read it better than I could; but that was to be a part of my statement.

Mr. McKELLAR. That is the best part of it.

Mr. SMOOT. Mr. President, section 315(a), as I was about to say, gives the power to change rates to the President of the United States. The Tariff Commission, if they had all the hearings in the world, no matter if they heard every individual in the United States, could not change a rate to either increase or decrease it. The President is the judge. He decides the question, not the Tariff Commission. Therefore I say that without a question of doubt they are not a judicial body.

Everybody admits that a judge upon the bench, where he renders the decision himself, should not sit in a case in which he is interested; but this is not a case of that kind——

Mr. McKELLAR. Mr. President——

Mr. SMOOT. Wait just a minute. I am going to finish this sentence before I yield, and then I will yield, if the Senator will permit me.

Mr. McKELLAR. All right.

Mr. SMOOT. The Tariff Commission in its opinion may think that the rate ought to be increased. The Tariff Commission in its opinion may think that the rate ought to be decreased. The President may think just the reverse. Who decides the matter? The President of the United States, not the Tariff Commission.

There is not a syllable in the law that requires the President of the United States to follow the recommendation of the Tariff Commission. The President simply asks the Tariff Commission under the law to make the examination as to the facts in the case; and what are the facts? They are supposed to tell the President of the United States what it costs in a foreign country to produce a certain article, no matter what it may be, if it falls within the provisions of the tariff act. Their other duty is to find what it costs in the United States. When those facts are found, they have nothing more to do other than to report to the President of the United States the difference. Then the President of the United States acts. He is the judge. He passes upon the evidence.

In creating the Tariff Commission the law provided that it should not be a partisan commission. There are only six commissioners appointed, three of them of one party and three of them of the other party. Congress was so particular that it should not be a biased commission that it provided that no party should hold control of the commission, and that not more than three members should belong to any one party.

Mr. President, if one member is to be barred, then it seems to me that the member asking that he be barred ought also to be barred, in order to keep the commission balanced as the law intended; but this provision does not provide for that. This provision means that if any question comes up before the commission and there is one member of the commission who is indirectly interested in the product under investigation, the board becomes immediately a partisan board. I go further than that and say that if this principle is put into operation by Congress, and is lived up to, I do not know how any revenue bill is going to be passed at this session of Congress or any other. There is not a Senator on this floor who is not interested in the action of the Senate on that bill, in that it saves him taxes that he is compelled to pay under existing law.

Mr. McKELLAR. Mr. President, will the Senator now object to my asking him to yield?

Mr. SMOOT. I yield to the Senator.

Mr. McKELLAR. According to the argument of the Senator, the President is the judge, and he intimates that the commission is virtually a jury. It is a fact-finding body, a jury to report on the facts.

Mr. SMOOT. It is a fact-finding body.

Mr. McKELLAR. The trouble with the Senator's argument is that under our law and under all law, under the law in every State and under the United States law, the same rule of interest disqualifies a juror that disqualifies a judge.

Mr. SMOOT. The Senator may take that position, Mr. President; but the juror decides, as far as he is personally concerned, as to what his opinion is after listening to the testimony, and if all the other jurors agree with him, of course the agreement is unanimous, and then the judge decides acts.

Mr. McKELLAR. Mr. President, this commission arrives at its conclusion just like a jury reaches a verdict, except that the jury passes its verdict in to the judge and the commission passes its finding in to the President. It is that that enters into the conclusion that makes interest disqualify.

Mr. SMOOT. Mr. President, in the case of a jury there is no provision that it shall be a bipartisan jury. Congress had in view only one thing, and that was that whenever these investigations were made they should not be made on a partisan basis. That was the object of Congress; and this is the only commission that has ever been created by Congress that is organized in that fashion. There is not a single other commission that is similarly organized. There must be some reason for it, and the reason is as I have stated.

I do not know Mr. Glassie. I know nothing about his interest except what he testified to. He did testify that his wife had $10,000 of stock in a sugar company; but the action taken here is not going to stop with a sugar investigation or with Mr. Glassie. There is no telling where it will go.

I will say to the Senators who are interested that they need not fear any results to come from this particular investigation referred to. It is not the question of any particular product in this country. It is a broader question than that. The question involves the whole system of protection.

I suppose Senators know that section 315 was proposed by myself. I offered it in the committee and I defended it upon the floor of the Senate against the attacks made from the other side. In conference we secured the consent of the conferees of the House to the inclusion of the language. I have believed in it, and I think that if no attempt is made to destroy it, it will save us from many evils which might otherwise creep in during the consideration of any tariff bill. I knew that this would apply to a Republican tariff bill just the same as to a Democratic tariff bill, but as far as I am personally concerned—and I believe every Senator ought to feel the same way—what we want to know is the actual difference in the cost of producing articles in this country and abroad. When that is ascertained, a rate based on that difference should apply. If the rate is too high, it ought to be reduced; if it is too low, it ought to be increased. To ascertain that fact was the purpose of the act.

Mr. President, I do not want to see this commission destroyed. There has been only one ruling and one decision by the President of the United States under this section of the law, and that was but a few days ago. I do not think any Senator will contend that the increased duty upon wheat of 12 cents a bushel was not justified by the facts. I do not believe any President of the United States will ever use unjustly the power given him under section 315 of the tariff act of 1922. He is the arbitrator. He is the judge. He has the power. He appoints the members of the commission. I have absolute confidence in the commission, and it seems to me that this provision in this appropriation bill applying only to the Tariff Commission is uncalled for and unjust.

Mr. FLETCHER. Mr. President, I want to say only a word. I think this is quite an important matter, and I scarcely feel like having it passed upon without at least announcing my own position in regard to the principle. I think the provision

in the bill as it passed the House is sound in principle. I believe it ought to have been written in the original law. I would have favored it as a part of the original act establishing the Tariff Commission.

The Senate committee reports the bill with that provision of the House stricken out, a provision which states that none of the members of the tariff commission shall participate in any proceeding under certain sections of the tariff act under certain conditions. They are not disqualified because they may have a general interest in the various subjects considered by the Tariff Commission. For instance, I have an interest in the cost of living, in the cost of clothes, in the cost of food, and the members of the Tariff Commission have that sort of general interest in prices respecting food and clothing. That is not the kind of interest covered by this provision. It provides that they shall not participate in any proceedings before them in which any member of the commission or any of the family of any member has any special, direct, and pecuniary interest. That is entirely proper and reasonable, it seems to me, and absolutely sound. The Tariff Commission is not merely to have a general function of ascertaining the difference between the cost of production abroad and the cost of production at home, and submitting the facts to the President. They are not merely sent out with authority to require data and lay data before the President. That is not the limit of their function. They make a finding. They find upon those facts, and they make a recommendation. They are the jury to which the President refers these matters in order to get the facts submitted to him, and they pass upon those things. They make a finding and a recommendation.

Of course, we all know the President has not time to go into the details and make a study of a particular question submitted to him. He must depend upon this commission. He is expected so to do. He is obliged to do so.

For physical and mental reasons, it is impossible for the President to devote his time to ascertaining the facts and making findings upon facts with reference to questions of this kind, and when the commission so authorized and so empowered by this law ascertains the facts, under rules and regulations which they prescribe, the President takes their recommendations. They have authority under the law to make rules and regulations. They can refuse to hear witnesses. They may hear only certain witnesses. Of course, they should not refuse to hear any witness who may be helpful in a matter, but they have discretion of that kind. The law expects and contemplates it and provides for rehearings in certain instances where all the facts have not been properly laid before the commission. Those are questions of discretion this commission passes upon, and they constitute the body upon whose findings and recommendations the President bases his proclamation with reference to these duties.

Mr. BROUSSARD. Mr. President——

The PRESIDING OFFICER (Mr. LADD in the chair). Does the Senator from Florida yield to the Senator from Louisiana?

Mr. FLETCHER. I yield.

Mr. BROUSSARD. Does the Senator claim that the commission makes a recommendation to the President?

Mr. FLETCHER. Yes.

Mr. BROUSSARD. Under what authority of law?

Mr. FLETCHER. In section 316 (b) the act provides:

> To assist the President in making any decisions under this section the United States Tariff Commission is hereby authorized to investigate any alleged violation hereof on complaint under oath or upon its initiative.

This provision applies to various sections of the tariff act, and under (c) it is provided:

> That the commission shall make such investigation under and in accordance with such rules as it may promulgate and give such notice and afford such hearing, and when deemed proper by the commission such rehearing with opportunity to offer evidence, oral or written, as it may deem sufficient for a full presentation of the facts involved in such investigation; that the testimony in every such investigation shall be reduced to writing, and a transcript thereof with the findings and recommendation of the commission shall be the official record of the proceedings and findings in the case.

And so forth.

Mr. BROUSSARD. How does the Senator explain subdivision (c) of section 315, which provides:

> That in ascertaining the differences in costs of production, under the provisions of subdivisions (a) and (b) of this section, the President, in so far as he finds it practicable, shall take into consideration (1) the differences in conditions in production, including wages, costs of material, and other items of costs of production of such or similar articles in the United States and in competing foreign countries; (2) the differences in the wholesale selling prices of domestic and foreign articles in the principal markets of the United States; (3) advantages granted to a foreign producer by a foreign government, or by a person, partnership, corporation, or association in a foreign country; and (4) any other advantages or disadvantages in competition.

Then:

> Investigations to assist the President in ascertaining differences in costs of production under this section shall be made by the United States Tariff Commission, and no proclamation shall be issued under this section until such investigation shall have been made.

I have pointed out in my remarks this afternoon that the opinion rendered by the Attorney General and accepted by the late President Harding was to the effect that section 315 did not grant any additional power at all to the commission, that it was still a fact-finding body; and my understanding has been that the commission makes no recommendations to the Congress or to the President, but submits facts from which every Member of the House or the Senate or the President may draw his own conclusion. I think the Senator is wrong in asserting that they do anything except submit facts. They make no recommendations to anybody.

Mr. FLETCHER. If I conceded that the Senator was right as to section 315(a), as to other sections of the tariff act set out in this amendment, sections 316, 317, and 318, they certainly are required to make findings and recommendations, and I think in effect that is what they do with respect to this provision. They are to assist the President. That is a mild way of putting the thing. We all know, everybody must know, that the President must rely upon what is reported to him by the Tariff Commission. He has not the time himself to study all those details. No one expected him to do so. He must rely upon this commission.

All this provision in this bill does is to say that in any given proceeding involving a particular subject no member of this commission shall participate who has himself, or any member of whose family has, any special, direct, and pecuniary interest in the matter under consideration. I can not think for the life of me how any member of that commission, sitting to investigate a particular subject, could hold that if he had a direct, special interest, or if his wife had an interest of a pecuniary character, as mentioned in this language, could help feeling that he could not participate in that proceeding, and if he does not feel so, in my judgment he has not a proper conception of fiduciary responsibility.

Mr. JONES of Washington and Mr. BROUSSARD adressed the Chair.

The PRESIDING OFFICER. Does the Senator from Florida yield; and if so, to whom?

Mr. FLETCHER. I yield to the Senator from Washington first.

Mr. JONES of Washington. I want to ask the Senator a question. I might support legislation carrying out the proposition which he urges, but this is a provision providing that no part of the appropriation shall be used for the payment of the salary of any man who participates in a matter in which there is a direct and pecuniary interest. How can that provision be carried out? Will we have to wait until the end of the year before we pay any salary to a man to see whether or not he acts in some proposition that is prohibited? It seems to me we have to do that in order to carry out the provision. In other words, this is a limitation upon the payment of money and not a prohibition against the man for participating in what the Senator condemns.

As I said, I am inclined to support, and think I would probably support, a legislative proposition dealing with the matter; but it seems to me that it is very unfortunate here to try to deal with it in this way, which is a very ineffective way to deal with it, because I can not see, if we put this provision in the bill, how these men could collect a penny of their salary until the end of the year.

Mr. FLETCHER. I see the point the Senator makes and I realize the significance of it. I would much prefer, and I think that really is the determining question before us now, to vote on whether we would like to see the provision in the original act. I would prefer to see it in the original act in the nature of an amendment. I would vote for it to go as an amendment to the original act creating the commission. Therefore I shall vote for it here, because this is the way Congress has done heretofore in many instances. It is a kind of practice we have gotten into here.

Without waiting to amend laws or to enact new laws, we often put a provision of this kind into an appropriation act to accomplish what ought really to be accomplished by direct

legislation. It will accomplish it, in my judgment, because whenever a proceeding is required of the commission hereafter, if this is in the law, no member of the commission is going to take the chance of losing his compensation by sitting in such a proceeding. He ought to retire from it. He will not participate in it if the Congress says he is not permitted to participate in it and draw pay from the Government.

Mr. BROUSSARD. Mr. President——

Mr. FLETCHER. I yield to the Senator from Louisiana.

Mr. BROUSSARD. I wish to make this statement before I ask a question: In the statute recusing Federal judges there is a provision to fill the vacancy caused by the recusation. This board is, of course, not a court. It is a bipartisan body representing two different schools of thought on the tariff question, and it is called a tariff commission. Would the Senator think it advisable to require under a statute of this kind one of the commissioners representing a special school of thought to be recused and to permit the challenging side of the commission to eliminate one of the other members, when the intent and policy of the Congress has been to maintain an even number—three and three—without giving a majority to either school of thought?

Before the Senator answers my question I wish to say that first came the resolution introduced by the Senator from Arkansas [Mr. ROBINSON]. A Senate resolution could not as a legal proposition bind a body created by the Congress. When his attention was called to it he introduced the bill which is now pending before the Judiciary Committee. Now, let us not just smash up the Tariff Commission. Why not permit the Judiciary Committee to act upon this matter and consider the difference between a purely judicial body and one vested with a bipartisan membership?

Does not the Senator think it would be dangerous for us to permit one side or the other to challenge and eliminate in advance a member on the other side of any given question, whether it is a revision of the tariff up or down?

Mr. FLETCHER. Unquestionably, but that is an entirely different case. In that case each member is free to decide the question solely and entirely on the basis of his best judgment and information. In the case contemplated by the amendment the question simply is whether the member has a special direct and pecuniary interest in the proceeding before it.

Mr. BROUSSARD. What provision is made to fill the vacancy?

Mr. FLETCHER. In the instance which the Senator mentioned, where there is merely a difference of view and a difference of opinion on public policy or on some principle of legislation, each member is free to arrive at his own conclusion. There is nothing there to influence his decision or his opinion one way or the other. The danger sought to be cured here is the danger that a member of the commission, when his pocket is at stake, when he has a direct special and pecuniary interest—that is the language of the amendment—in a proceeding, his judgment is likely to be biased or influenced. That is the danger. That is the reason why we want to say that when he is situated in that way he is not qualified to serve and participate in those proceedings. That is an entirely different question.

Mr. BROUSSARD. But what provision is made in the bill to fill the vacancy created by his disqualification?

Mr. FLETCHER. It does not make any such provision.

Mr. BROUSSARD. Should not somebody be appointed to fill the vacancy, as is done in the case of the disqualification of a judge of a court?

Mr. FLETCHER. That might be true.

Mr. BROUSSARD. Why enact this provision until we make some provision of that kind?

Mr. FLETCHER. I am entirely willing that some such provision should be made. The Judiciary Committee should consider the matter and propose the right kind of legislation.

Mr. BROUSSARD. The question is before the Senate, and I am glad the Senator has so expressed himself.

Mr. FLETCHER. But we must cross bridges when we come to them. We are now confronted with a vote on this question, and the question is, Shall we favor it or shall we not? I am opposed to the committee amendment striking out the language of the House.

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

Mr. FLETCHER. I was about to yield the floor.

Mr. RANSDELL. Will the Senator yield for a question before he yields the floor?

Mr. FLETCHER. I yield first to the Senator from Wyoming.

Mr. WARREN. The very inefficiency of this clause was considered by the committee, and that is one of the reasons why we reported to strike it out. It is only a declaration of opinion and would apply for only one year at that. This is an appropriation bill which applies only for the fiscal year. The committee knew that there was before the Senate the bill proposed by the Senator from Arkansas [Mr. ROBINSON], which might be reported and which would bring the matter to a yea-and-nay vote, and thus apply the principle to the future as well as to the present. That was one reason for the committee's action.

Another reason was that if a member of this board has sufficient interest or his wife has sufficient interest in his opinion to justify him in acting upon his interest rather than his honor, the matter of loss of his pay would amount to nothing. That is all the penalty there is here.

The penalty merely is that no money shall be paid to him if he acts in a matter in which there is such an interest. It does not remove him from office. It does not in any way control him, except that if he were an honorable man he probably would not submit himself even to the suspicion of doing it. But if he should do it, we do not punish him by this provision; we simply let him go without his salary. That is another reason why it is incomplete and ought by all means to be stricken out, and then let the Senate vote directly on the Robinson bill, when it comes up for action, yea or nay. It has been agreed that the Senate shall have a vote on the bill, and it is understood that it will be called up immediately after the immigration bill is disposed of. Our calendar shows it so recorded.

Mr. FLETCHER. I realize that this is not as adequate as I would like to have it, but it goes part of the way in the right direction, and I am going as far as this language will go. I now yield to the senior Senator from Louisiana.

Mr. RANSDELL. Does not the Senator think it is treating the members of the Tariff Board very unfairly to single them out in a measure of this kind when this very bill makes provision for salaries for members of the Federal Trade Commission? They are not restricted in any way. They render real decisions, as my colleague suggests. The Interstate Commerce Commission is provided for in this bill, and its members' salaries are not restricted in any way. The Railroad Labor Board renders decisions, too, and they are not restricted in any way as to salaries. Their salaries are not tied up at all. The Senator is very familiar with the United States Shipping Board. He knows they render some very important decisions involving enormous amounts. Their salaries are not restricted in any way.

Why not be fair about it and let the whole matter be submitted to the great Judiciary Committee of the Senate and let us adopt a general law applicable to all? Do not single out the Tariff Board. It is perfectly apparent, Senators, that this provision is directed at Henry H. Glassie. Senate Resolution 131 started it, and then the bill that has been referred to the Judiciary Committee continued it. It could not be considered there, and so it was slipped in through the House without people really knowing about it. Why be so unfair? Let us treat everybody alike.

Mr. FLETCHER. As to members of many of the commissions the law expressly requires that they shall dispose of all sorts of interests that they may have in various subjects with which they may have to deal. The Shipping Board member must not be interested in ships. If he is interested or was interested prior to appointment he must get rid of all such interests. The law requires that.

Mr. WADSWORTH. Mr. President——

Mr. FLETCHER. I yield to the Senator from New York.

Mr. WADSWORTH. Will the Senator point out, or does he remember any provision of law which would withhold the salary of an interstate commerce commissioner in the event of his wife owning stock in a railroad company?

Mr. FLETCHER. I do not remember any such provision. I do not think there is any such provision.

Mr. WADSWORTH. That would be the equivalent of the proposed provision now being discussed.

Mr. FLETCHER. No; I think not. Each situation must stand upon its own merits. I am perfectly willing to extend the provision as far as the Congress will go. If it thinks it is important to have it apply to other commissions and boards, I am willing to have it apply there, but because it does not apply to some other commission or some other board is no reason and no argument for refusing its application to this particular commission.

I have not referred to the gentleman mentioned by the Senator from Louisiana. I do not know him. There is nothing personal in this matter, so far as I am concerned. I base it upon sound principle. But since his name is mentioned I have not any hesitation in saying that I think that he did demonstrate clearly, in his course in connection with the matter that has

been mentioned here, his absolute lack of a proper conception of fiduciary responsibility.

Mr. NORRIS. Mr. President, for a great many years I have taken a deep interest in the Tariff Commission. Its creation came after a contest waged for a great many years both in the House and Senate as to whether we ought to have a tariff commission with sufficient power to find facts upon which a scientific tariff could be based. I have always believed in it. In my weak way I did everything I could, while a Member of the House as well as of the Senate, to assist in establishing by law a tariff commission that would have authority to supply facts upon which a tariff scientifically made could be based and thus eliminate the tariff question as much as possible from politics.

The question was actively discussed by all our public men. Reference to it has been made in many of the national platforms of the various political parties of the country. It seemed to be universally believed, after several years of debate and consideration, that by the establishment under the law of the right kind of a tariff commission we could get rid of many of the evils that were conceded to exist in the making of all tariff bills.

Mr. President, I had faith in that theory, as I know many other Members of Congress had, among them the honored Senator who is now presiding in this Chamber [Mr. CUMMINS in the chair]. There was many a political contest fought out on it. It always seemed to me that those who were holding opinions on public questions a little bit in advance of those held at least by politicians and alleged leaders of political parties were advocates of a tariff commission.

Everybody who advocated the establishment of a tariff commission had a high ideal of its membership. Those who wanted a tariff commission established by law desired one established that would, like Cæsar's wife, be above suspicion, one whose findings would command the respect of all our people, regardless of political belief. We never got just exactly what we wanted in the way of a tariff commission, but gradually an improvement was made and the Tariff Commission was placed on a rather high pedestal.

I regret, Mr. President, having made the advances we have made, after years of discussion and debate and political fights, that anything should now happen that would pull that commission down from the high and honorable position which it ought to occupy before the people.

I am not saying that because a man is financially interested in the result of litigation he necessarily does wrong if he is called on to pass upon it. There are men who have such high and broad ideals of justice that they might properly sit in judgment upon themselves; there are men whom I could name whom I would trust to try and pass on cases in the result of which I knew they had a direct financial interest; but the general run of humanity is not constituted on that high-ideal plane. Men are selfish, unconsciously so, and those who have enacted laws and who have rendered decisions by which we have built up a system of jurisprudence in this country have acknowledged that well-established fact. Running through all the history of our development in these matters we find that men who are to pass upon questions in which the public is interested disqualify themselves, if they are high-minded men, if they have a personal interest in what they are called upon to decide. They do that not necessarily because they feel they could not render a fair and honest decision, but they do it out of respect to that universal judgment and opinion of humanity that men so situated ought, for the good of humanity, to be disqualified from passing on questions in which they have an interest.

So I approach this particular proposition, Mr. President, without any particular prejudice against Mr. Glassie, and without even charging that he could not do what would be absolutely right with an interest as well as without an interest in any matter that might come before him. He may be a man on such a high plane that his personal interest would not influence him, either consciously or unconsciously; but that is not the only thing we need in the Tariff Commission, as we need it on the bench. We need men there who will command the respect and admiration of the people of the country. We need men there who, when their opinions are rendered on facts, or facts are found, the people will acquiesce in them. The people will not do that if they know that those men are passing upon questions in which they have a personal interest.

Again I say, without any disrespect, without any intention of even censuring Mr. Glassie, I think he is disqualified, not only for passing on this sugar question but that he ought not to be on the Tariff Commission. As I have said, the Tariff Commission might do absolute justice, but what kind of respect would the Tariff Commission have before the people, how far would its opinions go, if we should put one man on the Tariff Commission whose property was all invested in sugar factories, with another man sitting by his side whose fortune, if he had one, and, if he did not, whatever he did have, was invested in an aluminum factory, and another man whose property was invested in a paint factory, and another man whose property was invested in a potash factory, thus surrounding the table with men every one of whom had a direct financial interest in something connected with the tariff. The opinions of the Tariff Commission under those circumstances would be entirely worthless before the people of America. However high, however honest, however great every one of those men might be, the people would believe—and it would be the natural thing for them to believe—that the man whose pocketbook was directly affected by a tariff on sugar would have a community of interest and a great respect for his colleague whose pocketbook was affected directly by the tax on aluminum or on pottery or on something else which is involved in a tariff law.

Mr. President, in my judgment it is all buncombe to say that it is necessary to have such men on the Tariff Commission. I have heard it said in the Senate, "Why, if we do not have men who are informed as to tariff schedules, and so forth, we can not have a tariff commission." I most emphatically deny, Mr. President, that the men who have financial interest in matters that are directly affected by the tariff are the only men in the country who are qualified to report on facts where the tariff is involved. Such men ought to be eliminated; they ought not to be on the Tariff Commission.

It is true, it is said, that this is not a judicial body. That seems to be in dispute; but I do not care about that. Those who say it is not a judicial body by their own argument make a jury of it. They say all they do is to find facts—and it is true that is practically all they do—and then make recommendations to the President or place the facts before the proper committees of Congress. But, Mr. President, that makes a jury of it and makes the situation quite as bad, and, I think, a little worse. When a man is called into the jury box and is asked if he has a direct interest in the result of the suit that is pending and says, "Yes; I have," the judge says, "Stand aside." If he did not, the appellate court in any civilized country in the world would reverse the decision. If the commission is a fact-finding body, then when any of its members have a direct interest in the result of a matter pending before it they are in the same position as the members of a jury. Suppose a man called to serve on the jury when asked the question whether he had a direct interest in the suit should say, "I have an interest in it; the plaintiff in this suit is my wife; I am her husband; but I am not prejudiced; I can give the defendant a fair trial, and I am not going to allow that interest to influence me in any way." Would that be any reason for not excusing him from service? Yet his statement might be true; he might be such a high and noble character that his statement would be absolutely true, but that would not carry weight with any of our courts.

It does not follow because a prospective juror is set aside that that is anything to his discredit or that there is any inference that he is a dishonest man or anything of that kind. It is no reflection on a man because he is rejected from the jury panel. It is no reflection on a judge when it appears that he has a direct interest in a case before him to retire from the case. When he is disqualified from trying a case he is not offended. A juryman is not offended, and a member of the Tariff Commission ought not to feel offended. I should be sorry if he so felt, but, whether he were offended or not, it ought not to affect our votes or our action.

Mr. President, I am pleading that the Tariff Commission shall stand so high in the eyes of the American people that no one can point a finger at it and say, "This commission is passing upon its own business; it is not a fair, honorable, honest commission." I do not care what you call it, the facts here are undisputed.

Half of the colleagues of Mr. Glassie sitting in this particular case in controversy protested because of the financial interest of his family in the result of their deliberations or their findings. That ought to have had great weight with him, it seems to me, even though he felt in his heart that he was not going to be influenced by that interest.

Mr. ASHURST. Mr. President——

Mr. NORRIS. I yield to the Senator.

Mr. ASHURST. Mr. President, this controversy is entirely new to me until to-day. Does the Senator say that Mr. Glassie's colleagues requested him not to vote?

Mr. NORRIS. Yes, sir; they protested against his participation. There was a vote on the protest, and without Mr. Glassie's own vote the decision would have been 3 to 2 against his contention, but Mr. Glassie voted with the members of the commission, who maintained that he had a right to pass on the question, and so the vote was a tie.

Mr. President, objection has been made to the question coming before us in the form in which it does. I confess I do not like the form in which it is presented to us, for it is in rather a negative form. I dislike to reach this question by withholding an appropriation. That is not a direct way of reaching it, but I do not understand how else we can reach it unless we wait what I fear would be too long a time. Even though I should, perhaps, not have offered the amendment that is presented to us, yet since it is presented and we must vote on it, there is danger of our vote being misunderstood. I do not want the word to go out that the Senate of the United States is willing that men should sit on this commission when they have a direct interest in the result of their decision, and that might be the construction placed on our action. According to my idea of what ought to be done the action taken by the one commissioner in this case is so radical that I think we are justified in saying in the appropriation bill that any member of the commission who sits in a case where he or his family have a financial interest in the result shall not be paid a salary, and that is the effect of this amendment. It will bring relief. There is no doubt about that. The expression of the opinion of the House and the Senate, even without the passage of a law, would bring relief.

The objection has been raised that this provision does not apply to other commissions. Mr. President, I am in favor of applying it to all commissions.

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

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

Mr. NORRIS. Yes.

Mr. ROBINSON. All other commissions recognize the rule and follow the practice contemplated in the resolution.

Mr. NORRIS. As far as I know they do, and if they do not they ought to have this rule applied to them.

There has been a great deal of argument made here to-day to the effect that this is a bipartisan board, half Republican and half Democratic, and that if we let one side challenge the other it will take away a Democrat and leave the Republicans in the majority, or if it is reversed that it will take away a Republican and leave the Democrats in the majority.

I am astonished that anybody should make that argument, Mr. President. The only reason why this is made a bipartisan commission—and I am willing to admit that half of the time it does not accomplish that result—is not because we think we ought to have three Republicans and three Democrats on it, but because it is a step toward a nonpartisan board. In order to take politics out of it the law divides the membership half and half. As far as I am concerned, I do not care whether they are all Republicans or all Democrats, just so that they are nonpartisan. The idea that if one Republican should challenge a Democrat and therefore leave only two Democrats and three Republicans to pass on a question the whole machinery would be wrecked is simply preposterous. Then, in the same breath, it is argued by the Senator from Utah, "Why, they do not do anything but find facts, anyway. The President is the man that passes on the matter." So, in one breath, it is said that their finding is of no importance, and in the other breath it is said that it is vital, and that we must have an even division between Republicans and Democrats.

So far as I am personally concerned, I should like to vote for a law that would repeal every statute that makes a division of public office on account of political belief. It is fundamentally wrong. It never has resulted in what it was intended to bring about, to wit, nonpartisanship; but it always brings about a bipartisan board instead of a nonpartisan board.

But, Mr. President, it is not claimed here that anybody has made a charge against anybody else or a protest against his sitting in a case because of his politics. That is not claimed. I do not even know the politics of these men, and I doubt whether other Senators do. I do not know whether Mr. Glassie is a Republican or a Democrat, excepting that he is supported very strenuously by the two Democratic Senators from Louisiana, which indicates to me that he is a Republican and a protectionist.

Mr. BROUSSARD. I will say to the Senator that Mr. Glassie is from Tennessee, and is a Democrat.

Mr. NORRIS. All right. I do not have to apologize for anything I have said, then, if he is a Democrat. I respect him in spite of that fact, Mr. President.

Mr. BROUSSARD. He happens to have married a Louisiana wife.

Mr. SHIPSTEAD. Mr. President, will the Senator yield to me?

Mr. NORRIS. I yield to the Senator from Minnesota.

Mr. SHIPSTEAD. From Mr. Glassie's actions the Senator could not tell whether he was a Republican or a Democrat, could he?

Mr. NORRIS. I did not know. I have not tried to find out, Mr. President, because, as I look at it—as I want to look at it, and as I think I do—it is absolutely immaterial. I do not know the politics of the commissioners who protested. I believe they were Democrats, were they not?

Mr. SMOOT. No.

Mr. NORRIS. Were they Republicans?

Mr. SMOOT. Mr. Culbertson protested.

Mr. NORRIS. Was not Commissioner Lewis one of the protestants?

Mr. SMOOT. Mr. Culbertson protested.

Mr. NORRIS. But did not Commissioner Lewis likewise protest? He is a Democrat.

Mr. SMOOT. Yes.

Mr. NORRIS. So, you see, they did not divide along partisan lines, and it is to their credit that they did not. It indicates that they are looking at the merits of the matter.

Mr. GLASS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Nebraska yield to the Senator from Virginia?

Mr. NORRIS. I do.

Mr. GLASS. The Senator is willing to concede that there is insensibility among Democrats as well as among Republicans, is he not?

Mr. NORRIS. Yes; I will concede every proclivity that you can name that a Democrat has if you can show me that a Republican ever had the same thing. After all, when it gets to their financial interest there is not any difference, as indicated here.

Mr. President, this is not a question of whether or not we believe in a protective tariff. It is a great deal broader than that. It is not a question of whether we want a bipartisan board or a partisan board or a nonpartisan board. It is broader than all that. Involved in it is the broad principle to which, as far as I know, until this case came up there had not been an exception in all civilization—that a man on a court or a jury, a fact-finding body, whatever you may call it, who has a direct financial interest in the result, ought to stand aside while that question is being determined.

Mr. BROUSSARD. Mr. President, I do not disagree with the conclusions drawn by the Senator from Nebraska. I am not opposed to legislation on this subject. I do believe, however, that the amendment proposed is not one which deals with this situation.

A great many Senators have recently objected to the majority decisions of courts. That is a case where the majority renders the decision. This is not such a body, and it renders no decision; but even admitting for the sake of argument that it would fall within the class of officials who should be recused, I still come back, notwithstanding the criticism of the Senator from Nebraska, and say that the intent and policy of the Congress has been to establish a bipartisan body. No matter what the Senator may say about it, the law says that no more than three members of the commission shall belong to one party. The law also provides that there shall be no adjournment of Congress until any vacancy has been filled; the purpose evidently being that there shall be six men on the commission, who are not to render any report by a majority vote, because the commission is purposely so constructed and constituted that there shall not be a majority.

I am not opposed to legislation on this subject. I have so stated every time I took the floor.

Mr. McKELLAR. Mr. President——

Mr. BROUSSARD. I shall be glad to yield to the Senator from Tennessee in a few moments. Let me finish this line of thought first.

I have repeatedly stated that I should like to see the bill offered by the Senator from Arkansas [Mr. ROBINSON] considered by the Judiciary Committee, so that those who favor such legislation as that presented now before the Senate, and those who believe that the law to be enacted should be so written as to continue the intention of the Congress, and that at no hearing shall there be an odd number of commissioners,

may find some method such as is found in a case where a judge is recused. Provision is made in the law to replace him in such cases. This law should be so framed by the Judiciary Committee that whenever a vacancy occurs some one shall have the authority to fill the vacancy temporarily, so that that particular item may be considered in accordance with the real intention of the Congress when it created this commission.

Now I am glad to yield to the Senator from Tennessee.

Mr. McKELLAR. Mr. President, I was just going to say to the Senator that I am sure he does not believe there will be any legislation on this subject unless it is in this bill, does he?

Mr. BROUSSARD. I am ready, and I so notified the Judiciary Committee in writing, to appear at any time and urge the passage of such a bill. I would deprecate very much having such legislation as this particular provision adopted, however. I think that the Judiciary Committee after hearing both sides of this case can easily meet the situation and continue the Tariff Commission in the line of duty and discharging its functions as the Congress originally planned that it should. I am not in favor of a man refusing to recuse himself; but I have stated to-day when there were fewer Senators present that the decisions with reference to the recusing of Federal judges, the decisions of the highest court of this country, have said that primarily the judge himself must consider that question, and that if he feels that he can discharge the duties he should not delay the consideration of cases, and his duty is to sit.

I wish, however, to call attention particularly to the fact that in the law and the practice, with reference to recusing Federal judges, or State judges, for that matter, the litigant is the man who challenges the judge. Here resort is had to a method by which one-half of the commission may disqualify a member or the other half. As a matter of fact, I should like to read into the RECORD the statement that was made in order to justify Mr. Glassie.

Mr. Shattuck was present when the three commissioners challenged Mr. Glassie's right to sit; and, by the way, whom did they represent when they challenged the right of a member to sit on the commission? Were they acting as judges or were they acting as counsel when they challenged a man with coequal power with themselves? Who challenged him? The three judges did. What was the purpose? The purpose was to obtain a majority, it may be assumed, in favor of what they wanted—the facts that they wanted to find. When the challenge was made by these three judges, Mr. Shattuck made a statement. He represented the United States Sugar Association. Ever since I have been here and ever since I can remember, the Sugar Trust has always received support from the side that denounces trusts. Mr. Shattuck, representing the United States Sugar Association, made this statement when that question came up:

May it please the commission, I am here representing the United States Sugar Association, which is an association composed of various groups of people interested in the sugar schedule of the tariff act.

They were the ones who moved the commission to consider the sugar item.

This is a group composed of United States refineries—

That is the Sugar Trust, I want to tell you, and when you cast a vote for this provision you are casting it for the Sugar Trust.

This is a group composed of United States refineries, United States citizens owning interests in Cuba, and people generally interested in Cuban affairs—exporters to Cuba, importers from Cuba.

They made the motion before the commission.

I proceed:

This matter, which has just received the attention of some of the commissioners, is new to me. I take this position personally and I speak hesitatingly on behalf of the clients whom I represent. As I view this whole subject, there are no litigants here; there are no petitioners.

How can anyone make this particular case before the Senate apply to cases where a judicial function is involved? Let us proceed:

We are here to assist the commissioner in the discharge of a duty, that duty being, as I understand it, to investigate and advise the President of the United States on the subject of sugar.

There are no questions of policy to be determined here. The act itself has determined the questions of policy. We are here to assist you in arriving at the solution and ascertainment of certain facts.

That is what the counsel stated; and yet Senators stand on this floor and say that the commissioners are discharging judicial functions. I will proceed:

The people interested in this inquiry are the people who have decided the policy of the tariff. Those people are all the people. They are not the people that are here to-day to try to assist you in any way that you may call upon us to do so, but the people interested in the discharge of your duty and in the investigation of these facts are the whole people of the United States and possibly—

Listen to this:

And possibly—

He knew better—

some of our foreign neighbors—Cubans.

Mr. SMOOT. Will the Senator yield?

Mr. BROUSSARD. I yield.

Mr. SMOOT. I suppose the reason they used the word "possibly" was because of the fact that the Sugar Trust owns the Cuban plantations.

Mr. BROUSSARD. That is the identical thing.

Mr. SMOOT. It is exactly the same.

Mr. BROUSSARD. They have $1,000,000,000 of American money invested in Cuba. I continue reading:

It is not my duty, nor can I assume it, to advise this commission what their duty is. It can not, in my judgment, be proper and right for me to come here and assume to speak for the people interested in deciding questions of fact, to carry out a policy announced by the people that puts into the law and on the statute books this act.

Therefore it seems to me—

I am still reading from Mr. Shattuck—

Therefore it seems to me that I must remain mute on this question; that I must leave this question, so far as I am concerned, to the body sitting here to whom we come to offer suggestions on questions of fact and to give our best efforts to help in the discharge of your duty.

I regret that I can say no more. There is no question of personal feeling in this matter at all. As I say, it is new to me. I am looking at it as I stand here, from what I conceive to be the questions involved, and from my duty, and the duty that I owe a few of the people who are interested in this subject.

Of course no one who has ever read the act of Congress creating this commission will say that the commission has judicial powers. No one will dispute the fact that, nothwithstanding what the opinion of Senators may be to-day, the clear intent and purpose of the Congress in creating this commission was to make it a bipartisan commission. What is the objection on the part of Senators to permitting the Judiciary Committee to provide a substitute for a member who finds himself in the situation where some relative of his has an interest in an item of the tariff to be investigated? I here pledge my word that I am ready to go before the Judiciary Committee right now, or to-morrow. I want them to hear that side of it. Where three men hold one view as opposed to three other men holding another view, I do not want it to be possible for them to do away with the equality that exists between them, and thus disregard the law. The law permits everyone of the commissioners to make a separate report, and where one member ceases to participate in the deliberations, there would be three men on one side and two on the other. I think that does violence to the act and the policy of Congress itself.

I told the Senator from Arkansas that I would oppose his resolution because it was a Senate resolution and really expresses the sense of the Senate; that if we realized that there was necessity for any legislation, we should face it, and should enact a law. When, in the case of judges, we recuse a judge, we have made a provision to substitute another judge in his place, and why now, in an appropriation bill, should we absolutely attack the policy which was behind the act creating the commission, and make it possible for three men who hold one view to be able to make a report signed by no members who hold the opposite view?

I hope the Senate will not act hastily on this matter for another reason—and I have stated it before, but I wish to repeat it again, because there is a larger attendance in the Chamber now. Who is to determine when a commissioner has sat in a case in which a cousin or his wife's brother or his wife has an interest? Who is to say when his pay shall stop? The senior Senator from Florida [Mr. FLETCHER] was very much worried about that. If there be a member on the commission who is representing an interest, or who was a lobbyist, and his pay is stopped, that is just exactly what he would want, because in that case, if he is so perverse as to insist upon

sitting notwithstanding the statute, and he represents an interest, he will get a larger salary from the interest; he will continue in the office, but his Government pay will be stopped.

It can be seen that this is hastily framed. It will not tend to reach what Senators are after. We would like to have the Judiciary Committee take up this question and consider it. There are able lawyers on that committee, and I am sure that they can propose some plan for recusing these commissioners, and at the same time substituting others for those recused, so that the commission will still be three and three, or six in number.

INVESTIGATION OF INTERNAL REVENUE BUREAU

Mr. ROBINSON. Mr. President, yesterday the Senator from Indiana [Mr. WATSON] introduced in the Senate a resolution to discharge from further consideration of the matter under inquiry the special committee of the Senate appointed under Senate Resolution 168, authorizing an investigation of the Bureau of Internal Revenue.

Mr. JONES of New Mexico. Mr. President——

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

Mr. ROBINSON. I yield.

Mr. JONES of New Mexico. The Senator from Michigan [Mr. COUZENS], the author of the resolution appointing the committee to which reference has been made in the resolution by the Senator from Indiana, is not present in the Senate on account of illness. I regret very much that anything regarding this matter should come up during his absence, but in view of the fact that the President of the United States has seen fit to send a message to the Senate regarding the activities of that committee, I believe it proper that I should make a very brief statement regarding the committee if the Senator from Arkansas will indulge me in doing so.

This committee was appointed by Senate Resolution 168, introduced by the Senator from Michigan [Mr. COUZENS], and passed the Senate on March 12 last. The resolution provided:

> That the President of the Senate pro tempore or Acting President of the Senate pro tempore is authorized to appoint a special committee of five members, three of whom shall be of the majority and two of the minority party, which shall investigate the Bureau of Internal Revenue and report its findings, together with recommendations for corrective legislation.

Following that, authority was given to the committee to hold hearings, to subpœna witnesses, and perform certain other functions. The committee consisted of the Senator from Michigan [Mr. COUZENS] and four other Senators, who are members of the Finance Committee. It is well known that during the last month or more the Finance Committee has been constantly engaged in the consideration of the revenue bill which has come over from the House. The four members of this special committee who are also members of the Finance Committee have been able to devote comparatively little of their time to the duties of the committee appointed under Resolution 168.

Since the special committee was appointed, numerous bits of information have come to me, and doubtless to other members of the committee, involving very serious charges against the activities of the Internal Revenue Bureau. The Senator from Michigan was given much more information from private sources regarding that bureau than any other member of the committee. He has been engaged I think almost constantly in assorting the information which has come to him, and trying to get testimony to determine as to the authenticity or verity of the charges.

His duties have been exceedingly arduous. About three or four weeks ago, in conference with him regarding the work of the committee, and really apologizing to him for my failure to contribute as much work and service as a member of the committee should because of my relation to the Finance Committee, I suggested to him then that the committee needed some assistance; that it needed counsel; that perhaps it needed experts and accountants, in order that it might perform the duties which were imposed on it by the Senate.

The work of the committee continued. Occasionally some of the members of the Finance Committee assisted Senator COUZENS in the performance of his duties. Frequently, I believe, he was almost alone in trying to carry on the investigation of the committee. On yesterday morning I was advised that Senator COUZENS, realizing the necessity for assistance, had decided that he would obtain that assistance. The resolution appointing the select committee did not give it authority to employ counsel or any other assistance. So the Senator from Michigan, desiring to go forward with the work of the committee, had himself undertaken to secure some assistance.

On yesterday afternoon the Senator from Michigan came before the committee with a resolution permitting Mr. Francis J. Heney, of California, to appear as an assistant to the committee in the obtaining of evidence and in presenting it to the committee. The resolution was adopted by the committee, it is true, by a divided vote.

It was the thought of those of us who supported the resolution that the Senator from Michigan was performing a real gratuitous service for the Government and for the committee which should be commended. It was provided by motion of the committee that all of the testimony to be brought together by the distinguished attorney from California, before it should be offered to the record or to the public, should first be submitted to the committee in executive session and that the committee in executive session should determine whether or not the testimony should be made public and whether it should go into the record or not.

I must confess that it occurred to me to be nothing more than a case where a Senator, engaged in the performance of his public duty, had decided to employ some one to assist him in that work. I doubt not that a majority of the Members of this body at their own expense often do employ assistants to aid them in their work. It was in that spirit that I supported the resolution of the Senator from Michigan.

I want to state that in my humble judgment the work of the committee should go forward. During all the discussions of the activities of other committees I have not had a word to say upon the floor of the Senate. I did not feel that it was incumbent upon me to participate in any of the various debates to which we have listened. But I want to say now, from the information which has come to me, that this investigation should go forward, that it should not be halted, and if it is necessary to have counsel or other agents or accountants the committee should be authorized to employ them.

The President of the United States in his message to the Senate to-day intimated that the employment of Mr. Heney was unlawful. Mr. Heney was not employed by the committee. He was employed, as I have said, to aid the Senator from Michigan in the work which he almost alone has been performing at the request of the Senate. But, Mr. President, we do not want to leave any doubt about any question of that kind. We do not want the issue raised by the message which the President has sent us to-day to be burdened at all by any mere technicality. Since the President's message came to us I have examined the statute to which he referred and I think it at least exceedingly doubtful whether the action of the committee was in any wise contrary to law.

But there is no reason why that should be made an issue by the Senate. The question is, Shall the investigation go forward and shall the committee be equipped with such assistance and facilities as will enable it to perform its work? I therefore submit the following resolution, which I ask may be read.

The PRESIDENT pro tempore. Is there objection? The Chair hears none. The resolution will be read.

The reading clerk read the resolution (S. Res. 211), as follows:

> *Resolved*, That in addition to the powers conferred upon the select committee appointed under the provisions of Senate Resolution 168, as recited therein, said committee be and it hereby is authorized in its discretion to employ counsel and such other agents, experts, and accountants as in its judgment may be necessary to aid in the investigation authorized under said resolution.

Mr. JONES of New Mexico. Mr. President, I desire to say just a word further regarding an innuendo contained in the message from the President that the committee has been intruding itself upon the Treasury Department. In the message reference is made to the right of search and seizure, the disclosure of things which should not be disclosed. Inference would be at once taken from that language in the President's message that the committee had been doing that kind of thing, that it had been prying into affairs of the department which should not be pried into.

I want to say to the Senate that the committee has not examined a single document and has no authority to examine a single document the secrecy of which is protected by law. It is true that some documents from the income tax bureau of the department have been brought before the committee, but in every instance in which that has been done secrecy has been waived by the party interested, and I believe the only party interested has been the Secretary of the Treasury himself. He waived the right of secrecy and sent down some of the papers. He wrote to the committee that he would write to the various companies in which he was interested, requesting that the

board of directors waive the right of secrecy surrounding the tax papers of those corporations.

In one case submitted by the Secretary himself the volume of papers and audit accounts and various matters relating to the investigation of the books of one of those corporations would fill a half-bushel basket or more. Of course, the members of the committee have no opportunity and have not the time to examine those as experts and determine what they really show and what they mean.

The Internal Revenue Bureau in contested cases passes upon over $600,000,000 of revenue. Through that bureau we have appropriated in the bill already over $100,000,000 for refunds. Other millions go out by way of abatement for which no appropriation is necessary. A more important agency of government, I believe, does not exist, and it is for the purpose of examining into those activities that the committee is trying to perform its functions. But it has no right to open up anything which is locked by the legal key of secrecy. No attempt to do so has been made. There has been no intrusion into the affairs of the Internal Revenue Bureau which any citizen is not entitled to have.

So, Mr. President, it seems to me, in view of the resolution offered by the Senator from Indiana [Mr. WATSON] to abolish the committee, that an issue is clearly made, and that issue is whether or not the Senate of the United States has the right and the desire to investigate this great agency of government; and if it has, and if there is anything questionable about the employment of counsel, then the committee should be given authority not only to employ counsel but to employ experts of various kinds and accountants.

I do not know whether the resolution will have to go to the Committee to Audit and Control the Contingent Expenses of the Senate or not, because Senate Resolution 168, which did go to that committee, provided that the expenses of the special investigating committee should be paid out of the contingent fund of the Senate. But if the Presiding Officer decides that the resolution must go to the Committee to Audit and Control, I am quite willing that it should go there. If not, I shall ask that it be printed and lie on the table.

Mr. REED of Pennsylvania. Mr. President, I ask unanimous consent that when the Senate conclude its business to-day it take a recess until noon to-morrow.

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

Mr. WARREN. I trust the Senator will not expect us to finish the appropriation bill to-night, but that he will allow us to conclude its consideration to-morrow, if we fail to finish it to-night. It has been kicked about for a couple of days and made a sort of a doormat, and I would like to get to the end of it.

Mr. REED of Pennsylvania. I hope the Senator can finish it to-night. If he is not able to do so, I shall be glad to give way to him to-morrow and give him an opportunity to dispose of it then.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Pennsylvania? The Chair hears none, and it is so ordered.

Mr. ROBINSON. Mr. President, before the Senator from New Mexico [Mr. JONES] rose to make the statement which he has just concluded I had called to the attention of the Senate the resolution presented yesterday, April 10, by the Senator from Indiana [Mr. WATSON] discharging from further consideration of the matter under inquiry the special committee heretofore created to investigate the Bureau of Internal Revenue.

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

Mr. ROBINSON. Certainly.

Mr. NORRIS. I was called out of the Chamber and I do not know whether that resolution is before the Senate or not. I merely wish to call the attention of the Senator and of the Senate to the fact that the Senator from Michigan [Mr. COUZENS], who was the author of the resolution creating the committee, is detained from the Senate on account of serious illness. I would not like to see the resolution acted on in his absence.

Mr. ROBINSON. That fact has already been brought to the attention of the Senate, and there is no intention, so far as I know of, to proceed to the consideration of the resolution of the Senator from Indiana this afternoon.

On the same day that the resolution of the Senator from Indiana was offered in the Senate the Secretary of the Treasury, Mr. Mellon, wrote a letter to the President of the United States, which has been transmitted to the Senate by the President in connection with the special message which has recently been read in the Senate, which message manifestly relates to the resolution of the Senator from Indiana and is in support thereof. In his letter to the President, the Secretary of the Treasury points out the fact that the resolution of investigation was offered in the Senate by the Senator from Michigan [Mr. COUZENS]. The Secretary in his letter charges that—

> It is now obvious that his sole purpose—

Meaning the sole purpose of the Senator from Michigan—

> is to vent some personal grievance against me.

I am reading from the letter of the Secretary of the Treasury to the President. It is also stated in the Secretary's letter that—

> Already the present investigation has greatly injured the efficiency of the income-tax organization, and the sufferer is not the Government but every taxpayer. Attacks such as these seriously impair the morale of the 60,000 employees of the department throughout the country.

Mr. President, the resolution was offered by the Senator from Michigan on the legislative day of March 3, being, however, the calendar day of March 5. It was reported to the Senate by the chairman of the Committee on Finance [Mr. SMOOT], and unanimously passed by this body. There had been some discussion in the Senate as to the personnel of the proposed select committee to investigate the Bureau of Internal Revenue.

When the resolution of the Senator from Michigan was under consideration, it will be recalled that a proposal was made to have the investigation carried on by a subcommittee of the Committee on Finance, and that then the question was raised as to the practicability of imposing the duties under the resolution on members of that committee, in view of the pendency before the Finance Committee of the bill providing for adjusted compensation and the bill providing for a revision of the internal revenue law. So the selection of the committee was left to the Chair. The Chair appointed the members of the special committee to make this investigation, and the Senator from Indiana [Mr. WATSON] was made the chairman of the committee; but the Senator from Michigan took the initiative in conducting the investigation before the special committee.

The President, in transmitting the letter to him from the Secretary of the Treasury, to which I have already referred, accepts as unquestionable the several conclusions of the Secretary of the Treasury, and, having accepted the conclusion that the most active member of the committee is simply trying to do the Secretary a personal injury, the President assumes the attitude and employs language which manifestly are calculated to disturb those harmonious relations which ought to exist between the executive and the legislative branches of the Government.

Mr. President, in the consideration of this subject, in carrying forward the investigations which the Senate has authorized, and in determining the issue presented by the Senator from Indiana in his resolution as to whether the investigation shall be terminated by the action of the Senate, there is not the slightest occasion or justification for personal bitterness or for the pursuit of a course which is calculated to cause a breach between this body and the Chief Executive of the Nation.

Nothing I shall do and nothing that I shall say shall be intended, or, if I can anticipate the effect of my speech and action, shall be calculated to widen the breach which the President's message manifestly recognizes.

Let me say, so that all who hear me will understand it, that on this side of the Chamber there is no disposition on the part of any Senator to interfere with the Executive in the performance of his constitutional functions or to intrude to the detriment of the public on the proceedings of any executive department of the Government. Our purpose is and shall be to perform our duties under our conscience, leaving to others in other departments the same right which we claim and exercise for ourselves.

The President, of course, and the Secretary of the Treasury, subordinate to him, may refuse to submit to the Senate any information sought by the select committee which would violate the right of the Executive to maintain secrecy. If there are records in the Treasury Department which the Executive is entitled to seal with secrecy from a coordinate branch of the Government, there is no disposition on this side of the Chamber to interfere with the exercise of his prerogative in that or any other particular.

Mr. McKELLAR. Mr. President——

Mr. ROBINSON. I yield to the Senator from Tennessee.

Mr. McKELLAR. I call the attention of the Senator to a statement made by Mr. Mellon just a few days ago in a letter to a member of the committee, which is as follows:

As I have already stated, I have never interfered in any way with the Bureau of Internal Revenue in any tax matter. Last of all would I do so in cases in which it might be charged that I was personally concerned. I feel, however, that it is due to me and to the companies involved—

Referring to his own companies—

that your committee make an immediate investigation in order that you may thoroughly satisfy yourself and the public whether or not these companies have received any favor from the Government.

I merely call attention to the fact that there has been a complete change of front on the part of the Secretary. Just a few days ago he was courting the investigation from which he is now trying to escape.

Mr. ROBINSON. Mr. President, the Senator from Tennessee has anticipated in part the statement which I contemplated making.

I am informed, after inquiry into the subject, that there has been no investigation of and no attempt to make public any books of account or so-called confidential records in the Department of the Treasury, and I am also informed that no material has been procured from the Treasury Department for the study of the committee, except such material and information as has been voluntarily furnished by the Secretary of the Treasury.

It becomes important, then, to determine whether the conclusion which I have quoted from the Secretary's letter and on which the President manifestly bases his message is justified by the acts or proceedings of the committee.

Let me ask you how can the statement in Secretary Mellon's letter be accurate when he says that this investigation, which has consisted so far only of his furnishing to the committee voluntarily certain records and information in the Treasury Department—how can the investigation, in view of the course that it has taken, have greatly injured the efficiency of the income-tax organization and caused every taxpayer in the country to suffer?

Mr. President, manifestly that statement of the Secretary, upon which the President based his message, is inaccurate. Not only does the evidence fail to support it but it can not be accurate. The fact that a select committee of the Senate, looking into the acts and transactions of the Bureau of Internal Revenue, have asked the Secretary of the Treasury to furnish them certain information, and he has furnished them that information, could not result, as the Secretary's letter to the President declares, in greatly injuring the efficiency of the income-tax organization and causing every taxpayer to suffer.

Following that is another declaration:

Attacks such as these seriously impair the morale of the 60,000 employees of the department throughout the country.

A committee of the Senate asks the Secretary of the Treasury for information concerning his tax returns and the tax returns of corporations in which he is interested, and he furnishes the information; and then, to stop the investigation, to invoke the power and influence of the President to stop the investigation, he declares that it has seriously impaired the morale of the 60,000 employees in the Treasury Department throughout the country.

Mr. President, the Secretary told the President of the United States in this letter, by implication, that if the investigation of the Bureau of Internal Revenue is not stopped he will resign as Secretary of the Treasury. If you read the letter and the President's message, that conclusion is irresistible, taken in connection with the resolution of the Senator from Indiana [Mr. WATSON].

Let me quote a further paragraph from the letter:

I owe to you and to the people of the United States the duty to see that the Treasury conducts efficiently and faithfully the great tasks continually presented to it, that its integrity be preserved, and that its future be insured. This has been my sole thought as head of this department. When, through unnecessary interference, the proper exercise of this duty is rendered impossible, I must advise you that neither I nor any other man of character can longer take responsibility for the Treasury.

Clearly that means that "If this investigation is to continue, I shall resign as Secretary of the Treasury; I will not continue the responsibilities incident to membership in your Cabinet"; and under the fear of losing his Secretary of the Treasury the President has sent to the Senate a very extraordinary message.

There is a ray of humor in it, surprising as my declaration in that respect may be. Through the gloom and the despondency and the resentment and the fear that envelop the message there flashes a ray of light in the statement of the President in the first paragraph of the message that, fully comprehending that the Senate does not know about the resolution adopted authorizing the creation of the special committee, he is sending the Senate a copy of its own resolution.

The President says:

It is recognized both by law and by custom that there is certain confidential information which it would be detrimental to the public service to reveal.

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

Mr. ROBINSON. I yield to the Senator.

Mr. CARAWAY. I think that is almost the exact language that Fall used when he wrote his letter to the President about the Teapot Dome; is it not?

Mr. ROBINSON. Mr. President, that is also the substance of the letter which the Attorney General wrote to the Senate committee and to the President, and which caused the President of the United States to dismiss the Attorney General from his Cabinet. The Attorney General said to the President that information called for by the committee was of a confidential nature, and that to furnish it would prove detrimental to the public interest; and thereupon the President said, "You are not in a position to pass upon this question; you get out and let me select an Attorney General in whom I have confidence."

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

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

Mr. ROBINSON. I yield.

Mr. McKELLAR. They have all just caught the habit.

Mr. ROBINSON. The President says in his message that—

The attack which is being made on the Treasury Department goes beyond any of these legitimate requirements.

That is, to furnish the committee information the publication of which will not be detrimental to the public interest. Upon what fact or circumstance or combination of facts and circumstances is that conclusion based?

The committee, according to the information which has been furnished me—and if I am incorrect in my statement I ask the members of the special committee who are present to set me right—has made no effort to compel the Treasury Department or the Secretary of the Treasury to furnish testimony over the objection of the head of the department. There has been no issue of that character. No attack has been made upon the Treasury Department save in statements and declarations published prior to the resolution of investigation, alleging circumstances which made it necessary for the committee to inquire into the tax returns of the Secretary of the Treasury and of the corporations which he owned or in which he was interested; and the Secretary of the Treasury in the statement produced a moment ago by the Senator from Tennessee showed his complete acquiescence in the proposal of the committee in so far as it related to his tax returns or to the returns of corporations in which he is interested.

Mr. McKELLAR. Mr. President, will the Senator yield to me?

Mr. ROBINSON. I yield to the Senator from Tennessee.

Mr. McKELLAR. He went even further than that. He asked that in justice to himself and in justice to his companies the investigation be made so that the public could be fully satisfied.

Mr. ROBINSON. Undoubtedly the Secretary of the Treasury, because of some differences between himself and the Senator from Michigan [Mr. COUZENS], which I infer from the letter of the Secretary of the Treasury, felt that in the selection of an adviser by the Senator from Michigan he is prejudiced.

Let me ask, when all has been said that can be said, how any facts or circumstances which do not exist can be made to appear from any record in the Treasury Department? What is there to be feared in connection with the future proceedings of the select committee?

I do not want any injustice done to the Secretary of the Treasury. Such little influence as I may have is now exerted and will continue to be exercised to prevent anything of the sort being done; but when the Secretary of the Treasury prompts the President to declare that investigations which he himself approved and asked, proceedings that he suggested in justice to himself, constitute an attack on the Treasury Department which has broken down the morale of the 60,000 employees of that great department and has worked injury to every taxpayer in the Nation, he goes too far in his statement.

Mr. CARAWAY. Mr. President, may I ask the Senator another question?

Mr. ROBINSON. Yes; I yield to the Senator.

Mr. CARAWAY. Is anything asked of the Secretary of the Treasury with reference to his own tax returns that the department does not ask of every business man in America?

Mr. ROBINSON. Certainly not; and the Secretary of the Treasury declared, in the statement read by the Senator from Tennessee, that he not only did not object to furnishing the information which his department requires of every income-tax payer in the Nation, but in justice to himself he requested that it be done, and that it be done immediately; and the President makes a most astonishing declaration, in view of the feeling that he manifests toward the Senate and toward its proceedings and his intimate knowledge of it. He says:

> The adoption of the resolution already referred to—

Meaning, I suppose, the resolution reported by the Senator from Utah [Mr. SMOOT], and voted for by every Member of the Senate—

> The adoption of the resolution already referred to is apparently subject to the same criticism.

That is, that it was for "some other motive than a desire to secure information for the purpose of legislation." I am not sensitive about criticisms of my official acts.

Mr. WATSON. Mr. President——

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

Mr. ROBINSON. I yield to the Senator from Indiana with pleasure.

Mr. WATSON. The resolution to which the Secretary refers there was the resolution adopted by the committee, not by the Senate; not the Smoot resolution, the original resolution adopted by the Senate——

Mr. ROBINSON. Oh, no——

Mr. WATSON. But the resolution adopted by the committee of investigation.

Mr. ROBINSON. This is the language of the message:

> Seemingly the request for a list of the companies in which the Secretary of the Treasury was alleged to be interested for the purpose of investigating their tax returns must have been dictated by some other motive than a desire to secure information for the purpose of legislation. The adoption of the resolution already referred to is apparently subject to the same criticism.

The resolution "already referred to" in the President's message is the resolution authorizing the creation of the select committee to investigate the Bureau of Internal Revenue. The reference to the resolution passed by the select committee itself, as I understand it, comes later in the message.

Mr. WATSON. Mr. President, I think a careful reading by the Senator will convince him that the resolution to which the President refers, and to which he takes exception, is the resolution adopted by the committee, providing for the selection of Mr. Heney. That is the resolution to which he takes exception.

Mr. ROBINSON. I am speaking of the President's message, and I do not think that is of controlling importance. If the President referred to the resolution authorizing the Senator from Michigan [Mr. COUZENS] to procure the services of Mr. Heney, it constitutes a severe attack, an impugnment of the motives of the committee. There may be room for question as to the correct construction of the message in that particular, but I do not think that question is of controlling importance.

The President said that while the constitutional rights of the Senate ought to be maintained at all times, they ought not to be used as a subterfuge to cover unwarranted intrusion, and that it is the duty of the Executive to resist such intrusion and to bring to the attention of the Senate its serious consequences.

Mr. CARAWAY. Mr. President, is that a copy of his statement at the time the Denby resolution was passed?

Mr. ROBINSON. That is substantially the same, a part of the language employed when the President declared, immediately following the adoption of the Senate resolution, that Mr. Denby's resignation would neither be called for nor accepted; and notwithstanding that declaration, his resignation was called for, or was accepted, a very short time afterwards.

To show the strained character of the argument offered in support of the resolution of the Senator from Indiana to dismiss the committee before it has completed its labor, to dismiss the committee without regard to its further duties, I point out the declaration in the message that under a procedure of this kind the constitutional guaranty against unwarranted search and seizure breaks down.

Mr. President, the constitutional guaranty against searches and seizures is a guaranty of private rights to the citizen. There is no guaranty to public officers against publicity of their records. The language of the Constitution to which the Executive refers in his message expressly applies to private citizens. It does not relate to public officers or to public records. It relates to private papers. There is no guaranty in the Constitution of the United States against the public having access to the records of public officers.

Mr. DILL. Mr. President, had it not been for a law passed by Congress, none of these records would be secret at all.

Mr. ROBINSON. Certainly not. Under a statute, for reasons believed at the time of its passage to be sound and in the public interest, certain records are withheld from public inspection. The language of the constitutional amendment referred to is:

> The right of the people to be secure in their persons, houses, papers, and effects against unreasonable searches and seizures shall not be violated.

So strained is the effort to justify the termination of this investigation, that a constitutional provision which has no application whatever is invoked.

A reading of the language of amendment No. 4 to the Constitution, and a consideration of the circumstances of this case, show conclusively that there is nothing in the Constitution of the United States which gives security to public records in the custody of the Secretary of the Treasury from investigation by the Senate or by its constituted authorities.

Mr. CARAWAY. Mr. President——

Mr. ROBINSON. I yield.

Mr. CARAWAY. I wonder if the President did not get that provision of the Constitution confused with that of which Mr. Fall availed himself, under which he claimed that he could not be required to incriminate himself.

Mr. ROBINSON. Plainly, Mr. President, the question of search and seizure has nothing to do with the subject. The Senate has the power to terminate the authority which it has delegated to its investigating committee.

Mr. DILL. Mr. President, is it possible that the new Attorney General gave the President an opinion to this effect?

Mr. ROBINSON. I think the circumstances show, as I stated some moments ago, that the President acted upon the information, suggestions, and references contained in the letter to him of the Secretary of the Treasury.

Mr. SWANSON. Mr. President, will the Senator yield to a question for information?

Mr. ROBINSON. I yield.

Mr. SWANSON. Has this committee asked the Secretary of the Treasury for any information or for files which have been refused?

Mr. ROBINSON. No.

Mr. SWANSON. Consequently, there has been no difference between the Secretary of the Treasury and this committee in reference to obtaining information or files from the Treasury Department, has there?

Mr. JONES of New Mexico. Mr. President, will the Senator from Arkansas yield?

Mr. ROBINSON. I yield.

Mr. JONES of New Mexico. There has not been such a difference at any time. In fact, every particle of testimony which has come from the Treasury Department has come by its own acquiescence. There has been no attempt to subpœna witnesses from the Treasury Department or to bring any records which are prohibited from the public gaze by any law.

Mr. SWANSON. Then am I to understand that the Secretary of the Treasury, with no difference as to the procurement of information or files in his office, goes to the President of the United States and practically gives us a notice that this investigation shall cease, as far as he is concerned, because he suspects the motives of the members of the committee? From what the Senator has said, that is true, and the President seems to base his objection upon an aspersion of the motive of a committee appointed by the President of the Senate. Does the Senator know whether there has been a difference on a single specific request? It seems to me, if what the Senator says is true, the President simply impugned the motives and purposes of a committee appointed by the Senate, when they have done nothing to justify that.

Mr. McKELLAR. Mr. President——

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

Mr. ROBINSON. I yield.

Mr. McKELLAR. More than that, I will say to the Senator from Virginia, Mr. Mellon within the last few days asked that these very papers be investigated by the committee, so that the public might be satisfied in reference to the matter.

Mr. ROBINSON. Mr. President, it is regrettable to me that a difference should arise between the Chief Executive and the legislative department of the Government, particularly over matters which relate to the improvement of the administration of public affairs. Mr. Mellon is a great man, a genius in finance, a masterful organizer; but with all of his genius and all of his mastery there exist in the administration of the Bureau of Internal Revenue conditions which the Senate unanimously thought should be investigated. Those conditions may not be chargeable to the head of the department, but since the Senate voted to make the investigation it can not with dignity stop the investigation merely because the Secretary of the Treasury does not like it and wants it discontinued.

Mr. WALSH of Montana. Mr. President, notwithstanding the lateness of the hour the momentous character of the communication addressed to the Senate by the President of the United States this afternoon compels me to ask the Senate to remain in session for a brief period until I address myself to an aspect of this message.

I trust that nothing I shall say will be regarded as offensive. I certainly do not intend to be offensive. I shall, however, without hesitation invite the attention of the Senate to some features of this which I regard as singularly important.

If I have read this message aright, it is a rebuke to the Senate of the United States by the President for having instituted the investigations which are now in progress. It is a rebuke to the committees conducting the investigations for the manner in which they have been conducted. It is a rebuke to those of us who have assumed to present to those committees the evidence which has been presented.

More than that, if I construe this extraordinary message aright, it challenges, first, the power of the United States to conduct investigations of the character of those in progress; second, it questions the power of the Senate, if it may conduct the investigations at all, to require of a department the production of books and papers to aid in that investigation; and finally, it questions the authority of the committee investigating the Bureau of Internal Revenue to employ counsel in the manner in which they have employed counsel.

Of course, this last is a trifling matter, exceedingly trifling. If the committee was not invested with the power to employ counsel and if it did undertake to employ counsel without being clothed with that power, the matter can be easily solved by passing an appropriate resolution, such as that now offered by the Senator from New Mexico [Mr. JONES]. We would waste time in discussing the question as to whether the committee had or did not have the power to employ Mr. Heney in the manner in which they did employ him. That matter can be easily disposed of.

But, Mr. President, the other charges to which I have adverted by their gravity, touching as they do the very power of this body under the Constitution to proceed with its work, are charges which can not be passed lightly. I invite attention to the concluding paragraph of the message:

> Under a procedure of this kind—

That is, the kind that these various committees have been following—

> Under a procedure of this kind the constitutional guaranty against unwarranted search and seizure breaks down, the prohibition against what amounts to a Government charge of criminal action without the formal presentment of a grand jury is evaded, the rules of evidence which have been adopted for the protection of the innocent are ignored, the department becomes the victim of vague, unformulated, and indefinite charges, and instead of a Government of law we have a government of lawlessness. Against the continuation of such a condition I enter my solemn protest and give notice that in my opinion the departments ought not to be required to participate in it. If it is to continue, if the Government is to be thrown into disorder by it, the responsibility for it must rest on those who are undertaking it.

Observe:

> It is time that we return to a government under and in accordance with the usual forms of the law of the land.

"It is time that we return to a government under and in accordance with the usual forms of the law of the land," which of course means that we have been proceeding in violation and in defiance of the law of the land.

Mr. President, I beg attention to the fact to start out with, touching the matter of the production of books and papers, that no effort has been made by any of these committees, so far as my information goes, to compel the production of books and papers. Except in the case of one of those committees, the one with which I am associated, where we endeavored to compel the production of the books of Hyva Corporation, and Mr. Sinclair took refuge behind his constitutional privilege not to produce evidence which might incriminate him and thereupon our efforts ceased. So far as my information goes, no other committee endeavored to compel the production of books and papers——

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

Mr. WALSH of Montana. In just a moment—except the committee investigating the Department of Justice, which endeavored to require the production of the books of a bank in Columbus, Ohio, and that matter was adjusted by members of the committee going out to inquire into it. I now yield to the Senator from Missouri.

Mr. SPENCER. In the case cited by the Senator did not Mr. Sinclair expressly state that he did not claim any exemption on the ground that it might tend to incriminate himself?

Mr. WALSH of Montana. He did not.

Mr. SPENCER. Was not that his first statement?

Mr. WALSH of Montana. It was not. I asked him expressly:

> You were requested to bring the books of the Hyva Corporation here. Are you prepared to do so?

He said:

> I decline to answer upon the ground that it might incriminate me.

Mr. SPENCER. The Senator is thinking of another witness.

Mr. WALSH of Montana. No; I am not.

Mr. SPENCER. The record will show.

Mr. WALSH of Montana. Yes, the record will show; and I can not doubt the record nor can I doubt my memory at all.

But, Mr. President, it will be observed in the argument of the President, in his message, that he said "under a procedure of this kind." What kind? The kind that has been prosecuted. He continued:

> Under a procedure of this kind the constitutional guaranty against unwarranted search and seizure breaks down, the prohibition against what amounts to a Government charge of criminal action without the formal presentment of the grand jury is evaded, the rules of evidence which have been adopted for the protection of the innocent are ignored, the department becomes the victim of vague, unformulated, and indefinite charges, and, instead of a Government of law, we have a Government of lawlessness.

In other words, in exposing the infamy of Albert B. Fall, the committee instituted a reign of lawlessness in place of a reign of law. Could condemnation be expressed more effectively? True, the committee did, indeed, adduce evidence that involved criminality not only upon the part of Mr. Fall but upon the part of other parties. True it is that some hearsay evidence was introduced before the investigating committee, as is always the case before legislative investigating committees. True it is that the department did become the victim of unformulated and indefinite charges instead of a charge with all the formality of an indictment presented by a grand jury. But that is the way of all investigations. So that the President challenges the right of a committee of the United States Senate to conduct these investigations at all; and, if they do conduct them, he asserts that they must content themselves with such information as they may gather from willing witnesses, and can never compel the production of books and documents by any department, because, forsooth, he says some of the evidence may be of such a character that to produce it may be against the public policy.

Mr. GLASS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Montana yield to the Senator from Virginia?

Mr. WALSH of Montana. I yield.

Mr. GLASS. Is it not a fact that the President himself accepted the finding of the Senate committee and of the Senate and that he employed counsel, and that that counsel is now prosecuting a suit to recover the oil reserves?

Mr. WALSH of Montana. Not only has he actually employed the counsel in order to recover the property, the loss of which was demonstrated by this investigation, but he has declared in a public statement that he wanted to do everything he could to bring to the bar of justice those who were faithless to the Government and allowed this great property to escape.

But, Mr. President, this is not the first time in our history that there has arisen these unfortunate differences between

the Executive department and the Senate of the United States or the House. A recurrence to a brief history of some of these controversies will doubtless be illuminating upon the matters which are now under consideration here.

It will be recalled that a stout controversy ensued between President Tyler and his Cabinet, causing the greater number of his political associates in his Cabinet to retire. A controversy then ensued which gave rise to a discussion of the question of the power of the Congress of the United States or either House to prosecute investigations and to call upon the Executive and the departments for books and papers pertinent to that investigation. The story is briefly told in Hinds' Precedents, from which I read, at page 179, volume 3, as follows:

1884. In 1842 the House vigorously asserted and President Tyler as vigorously denied the right of the House to all papers and information in possession of the Executive relating to subjects over which the jurisdiction of the House extended. On June 3, 1842, the Speaker laid before the House a letter from the Secretary of War in answer to a call of the House, of the 18th of May, for information as to the affairs of the Cherokee Indians and as to frauds upon them, stating that, as negotiations were pending with the Indians for the settlement of their claims and all other matters of difference between them and the Government, it was believed to be inconsistent with the public interest to disclose the information called for by the House; and that, as regarded the frauds referred to, the evidence being ex parte and not under oath, it would be unjust to the parties implicated and would defeat the ends of justice to promulgate the papers called for.

On the succeeding day this communication was referred to the Committee on Indian Affairs.

On July 24 Mr. James Cooper, of Pennsylvania, from this committee, made a report.

The report of the committee recommended the adoption of the following resolutions:

"*Resolved*, That the House of Representatives has the right to demand from the Executive such information as may be in his possession relating to subjects of the deliberations of the House and within the sphere of its legitimate powers.

"*Resolved*, That the reports and facts called for by the House of Representatives, by its resolution of the 18th ultimo, related to subjects of its deliberations and were within the sphere of its legitimate powers, and should have been communicated; therefore

"*Resolved*, That the President of the United States be requested to cause to be communicated to this House 'the several reports lately made to the Department of War' by Lieutenant Colonel Hitchcock relative to the affairs of the Cherokee Indians, together with all information communicated by him concerning the frauds he was charged to investigate; also all facts in the possession of the Executive, 'from any source, relating to the subject.'"

On August 13, after a debate extending over several days, the first resolution was amended by adding after "Executive" the words "or heads of departments," and as amended was agreed to—yeas 140, nays 8. The second resolution was agreed to, yeas 94, nays 64, and the third was also agreed to, yeas 83, nays 60.

The committee in their report took the ground that the House of Representatives had a right to all the information in the possession of the Executive, when such information related to subjects over which the jurisdiction of the House extended. This was one of the incidental powers of the House, like the power to punish for contempts. The committee denied that the relations with the Indian tribes were the same as those with foreign nations, and therefore denied the exclusive jurisdiction of the Executive and Senate over treaties or agreements with the Indians. The committee concluded by deeming it conclusive of the question that in the 50 years of the history of the Government there was no single precedent to justify the refusal to communicate the information required.

The committee made an elaborate report, submitted by Mr. Cooper, of the State of Pennsylvania. I shall not take the time to read the entire report, but I want to communicate to you a paragraph of some particular consequence and substance in this connection. But before doing so and in order to be entirely fair about the matter I ask to have inserted in the RECORD the message sent by President Tyler in justification of his refusal to send the document requested. It will be found on pages 181 and 182 of volume 3 of Hinds' Precedents.

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

The message referred to is as follows:

If by the assertion of this claim (says the President) of right to call on the Executive for all the information in its possession relating to any subject of deliberation of the House and within the sphere of its legitimate powers it is intended to assert also that the Executive is bound to comply with such call, without the authority to exercise any discretion on its part in reference to the nature of the information required or to the interests of the country or of individuals to be affected by such compliance, then do I feel bound, in the discharge of the high duty imposed upon me, "to preserve, protect, and defend the Constitution of the United States," to declare in the most respectful manner my entire dissent from such a proposition. The instrument from which the several departments of the Government derive their authority makes each independent of the other in the discharge of their respective functions. The injunction of the Constitution that the President "shall take care that the laws be faithfully executed" necessarily confers an authority commensurate with the obligation imposed to inquire into the manner in which all public agents perform the duties assigned to them by law. To be effective, these inquiries must often be confidential. They may result in the collection of truth or of falsehood; or they may be incomplete and may require further prosecution. To maintain that the President can exercise no discretion after the time in which the matters thus collected shall be promulgated or in respect to the character of the information obtained would deprive him at once of the means of performing one of the most salutary duties of his office. An inquiry might be arrested at its first stage, and the officers whose conduct demanded investigation may be enabled to elude or defeat it. To require from the Executive the transfer of this discretion to a coordinate branch of the Government is equivalent to the denial of its possession by him and would render him dependent upon that branch in the performance of a duty purely executive.

Nor can it be a sound position that all papers, documents, and information of every description which may happen by any means to come into the possession of the President or of the heads of departments must necessarily be subject to the call of the House of Representatives merely because they relate to a subject of the deliberations of the House, although that subject may be within the sphere of its legitimate powers? It can not be that the only test is whether the information relates to a legitimate subject of deliberation. The executive departments and the citizens of this country have their rights and duties, as well as the House of Representatives, and the maxim that the rights of one person or body are to be so exercised as not to impair those of others is applicable in its fullest extent to this question. Impertinence or malignity may seek to make the executive department the means of incalculable and irremediable injury to innocent parties by throwing into them libels most foul and atrocious. Shall there be no discretionary authority permitted to refuse to become instruments of such malevolence?

And although information comes through a proper channel to an executive officer it may often be of a character to forbid its being made public. The officer charged with a confidential inquiry, and who reports its result under the pledge of confidence which his appointment implies, ought not to be exposed individually to the resentment of those whose conduct may be impugned by the information he collects. The knowledge that such is to be the consequence will inevitably prevent the performance of duties of that character, and thus the Government will be deprived of an important means of investigating the conduct of its agents.

It is certainly no new doctrine in the halls of judicature or of legislation that certain communications and papers are privileged and that the general authority to compel testimony must give way in certain cases to the paramount rights of individuals or of the Government. Thus, no man can be compelled to accuse himself, to answer any question that tends to render him infamous, or to produce his own private papers on any occasion. The communication of a client to his counsel and the admissions made at the confessional in the course of religious discipline are privileged communications. In the courts of that country from which we derive our great principles of individual liberty and the rules of evidence, it is well settled, and the doctrine has been fully recognized in this country, that a minister of the Crown or the head of a department can not be compelled to produce any papers or to disclose any transactions relating to the executive functions of the Government which he declares are confidential, or such as the public interest requires should not be divulged; and the persons who have been the channels of communication to officers of the State are in like manner protected from the disclosure of their names. Other instances of privileged communications might be enumerated if it were deemed necessary. These principles are as applicable to evidence sought by a legislature as to that required by a court.

The practice of the Government since its foundation has sanctioned the principle that there must necessarily be a discretionary authority in reference to the nature of the information called for by either House of Congress.

The authority was claimed and exercised by General Washington in 1796. In 1825 President Monroe declined compliance with a resolution of the House of Representatives calling for the correspondence between the executive departments of this Government and the officers of the United States Navy and others at or near the ports of South America on the Pacific Ocean. In a communication made by the Secretary of War in 1832 to the Committee of the House on the Public Lands, by direction of President Jackson, he denies the obligation of the Executive to furnish the information called for and maintains the

authority of the President to exercise a sound discretion in complying with calls of that description by the House of Representatives or its committees. Without multiplying other instances, it is not deemed improper to refer to the refusal of the President at the last session of the present Congress to comply with the resolutions of the House of Representatives calling for the names of the Members of Congress who had applied for offices. As no further notice was taken in any form of this refusal, it would seem to be a fair inference that the House itself admitted that there were cases in which the President had a discretionary authority in respect to the transmission of information in the possession of any of the executive departments.

Apprehensive that silence under the claim supposed to be set up in the resolutions of the House of Representatives under consideration might be construed as an acquiescence in its soundness, I have deemed it due to the great importance of the subject to state my views that a compliance in part with the resolution may not be deemed a surrender of a necessary authority of the Executive.

Mr. WALSH of Montana. The committee then again took up the message of the President and made a further report, in the course of which they said, these two paragraphs being particularly pertinent to the situation as it confronts us this day:

The power of the House to institute inquiries and investigate abuses has been exercised by it from the beginning of the Government to the present day. Such inquiries and investigations have at various times been made in every department of the Government and every branch of the public service, civil and military, and the power of the House to inquire into all official abuses and misconduct and into the management of public affairs at home and abroad, as far as the knowledge of the committee extends, has never been denied or questioned until now. Let this power to investigate the abuses which may exist in the several departments of the Government be surrendered by the House and there will be no check upon extravagance; the responsibility of public officers will be at an end; profligate and corrupt agents, unawed by the fear of exposure, will riot in the spoils of a plundered Treasury, whilst Congress will have lost all power to bring them to account or to protect the public interest against their rapacity.

Another paragraph reads:

By claiming for the House "the right to demand from the Executive and heads of departments such information as may be in their possession relating to subjects of the deliberation of the House and within the sphere of its legitimate powers," the committee do not mean to assert that there may not be at some times information and papers in their possession which should not be made public. Such there no doubt are; but the House has the right to inspect them, and it, and not the Executive, is to be the judge of the propriety of making them public. The President has all along assumed in his message that the publication of all information and papers is a necessary consequence of their communication to the House. In this he is mistaken. It does not follow that all information communicated to the House must be made public. Confidential communications are almost daily made by the Executive to the Senate and secrecy is always observed with regard to them as long as the public interest requires it. There is nothing in the constitution of the House to prevent it from doing the same thing. Information transmitted to it by the Executive, on his suggestion that it is of confidential character, may be referred to a committee under the charge of secrecy until an examination of it can be made, when, if the committee concur in opinion with the Executive, its publication will be dispensed with. This is the true parliamentary course. It furnishes at once a security against secret abuses and their responsibility of the public officers and agents which would follow the denial of the right of the House to demand information, and at the same time protect the State against the discovery of facts important for the time to be concealed.

And I understand from the Senator from New Mexico [Mr. JONES], who is a member of this committee, that the committee has resolved that when these papers shall be received, if they are received, they shall be considered by the committee in secret.

Mr. JONES of New Mexico. The Senator from Montana is correct in his statement.

Mr. WALSH of Montana. Where is the excuse, Mr. President, or suggestion even that anybody is proceeding in defiance of the fourth amendment to the Constitution, guaranteeing, not to public officials the secrecy of public papers, but to the private citizen the secrecy of his private papers?

Mr. SPENCER. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Montana yield to the Senator from Missouri?

Mr. WALSH of Montana. I yield.

Mr. SPENCER. I am sure the Senator from Montana would not want the Senate to adjourn without his mistake being corrected. I read from the record of the proceedings of the committee, on page 4956, the opening sentence of Mr. Sinclair's statement, which is as follows:

I do not decline to answer any questions upon the ground that my answer might tend to incriminate me, because there is nothing in any of the facts or circumstances of the lease of Teapot Dome which does or can incriminate me.

Mr. WALSH of Montana. I am glad the Senator from Missouri has corrected me.

Mr. SPENCER. The Senator from Montana was thinking of the witness who was interrogated as to an incident in Cleveland and who did then claim that his answer would tend to incriminate him.

Mr. WALSH of Montana. I am glad the Senator has corrected me. Mr. Sinclair did not refuse us the opportunity to inspect the Hyva books upon the ground that it might incriminate him, but he especially proclaimed that he declined to allow us to use the books upon the ground that we had no authority to prosecute the investigation, and there the matter ended. There never has been an attempt by the committee with which I have been associated to compel the production by anybody of any books and papers. Everything that we have got has come to us by voluntary witnesses and by the courtesy of the departments.

Mr. President, there was another time when the relations between the President of the United States and at least one branch of Congress were strained, and that was during the first administration of President Cleveland. Reference was made to this controversy in a discussion on the floor some time ago——

Mr. SHORTRIDGE. Mr. President——

Mr. WALSH of Montana. I will ask the Senator from California to pardon me for just a moment.

I had intended at some time or other to go into that particular question at some length, in order to demonstrate just exactly what the contention was which brought out the remarks of President Cleveland to which so much importance has been attached in the debate which took place some time ago over the resolution requesting the resignation of Mr. Denby. I now yield to the Senator from California.

Mr. SHORTRIDGE. Mr. President, will the Senator from Montana have the goodness to pursue the case that he was discussing and tell us what the upshot was of the controversy between the House of Representatives and President Tyler?

Mr. WALSH of Montana. Yes. The RECORD says:

The report of the committee recommends no action of the House with regard to the matter.

Having stated their position, they declined to proceed further, as a matter of course.

Mr. President, I refer to the incident in the first Cleveland administration, because the attitude of the Senate at that time with respect to the matter was expressed in his usual forceful way by the then chairman of the Committee on the Judiciary, Hon. George F. Edmunds, of the State of Vermont. The controversy is referred to in Hinds' Precedents as follows:

In 1886 the refusal of the Attorney General to transmit certain papers called for by the Senate led to a discussion of prerogative and a declaration by the Senate. In 1886 there was a prolonged consideration in the Senate of the relations of the Senate and the Executive, caused by the declination of the Attorney General to transmit to the Senate certain documents concerning the administration of the office of the district attorney of the southern district of Alabama.

The Senate had called for "all documents and papers that have been filed in the Department of Justice since the 1st day of January, 1885, in relation to the management and conduct of the office of the district attorney of the United States of the southern district of Alabama." The papers which the Attorney General refused to transmit were those having "exclusive reference to the suspension by the President of George M. Duskin, the late incumbent," and he stated that "it was not considered that the public interest would be promoted by a compliance" with the request of the Senate.

On February 18 Mr. George F. Edmunds, of Vermont, from the Committee on the Judiciary, made an exhaustive report on the obligations of the Executive to transmit to Congress documents called for, and concluding with a resolution condemnatory of the Executive for this refusal. The minority of the committee presented views in opposition to this proposed action.

The report included the following:

"The important question, then, is whether it is within the constitutional competence of either House of Congress to have access to the official papers and documents in the various public offices of the United States created by laws enacted by themselves.

"It may be fully admitted that except in respect of the Department of the Treasury there is no statute which commands the

head of any department to transmit to either House of Congress on its demand any information whatever concerning the administration of his department, but the committee believes it to be clear that from the very nature of the powers intrusted by the Constitution to the two Houses of Congress it is a necessary incident that either House must have at all times the right to know all that officially exists or takes place in any of the departments of the Government.

"So perfectly was this proposition understood before and at the time of the formation of the Constitution that the Continental Congress, before the adoption of the present Constitution, in establishing a department of foreign affairs and providing for a principal officer thereof, thought it fit to enact that all books, records, and other papers in that office should be open to the inspection of any Member of Congress, provided that no copy should be taken of matters of secret nature without special leave of Congress. It was not thought necessary to enact that the Congress itself should be entitled to the production and inspection of such papers, for that right was supposed to exist in the very nature of things, and when under the Constitution the department came to be created, although the provision that each individual Member of Congress should have access to the papers was omitted—evidently for reasons which can now be quite well understood—it was not thought necessary that an affirmative provision should be inserted giving to the Houses of Congress the right to know the contents of the public papers and records in the public offices of the country whose laws and whose offices they were to assist in creating."

I do not read the remainder of the report, but I ask that it may be inserted in the RECORD without reading.

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

The remainder of the report, as found in Hinds' Precedents, is as follows:

It is believed that there is no instance of civilized governments having bodies representative of the people or of States in which the right and the power of those representative bodies to obtain in one form or another complete information as to every paper and transaction in any of the executive departments thereof does not exist, even though such papers might relate to what is ordinarily an executive function, if that function impinged upon any duty or function of the representative bodies.

A qualification of this general right may under our Constitution exist in case of calls by the House of Representatives for papers relating to treaties, etc., under consideration and not yet disposed of by the President and Senate.

The committee feels authorized to state, after a somewhat careful research, that within the foregoing limits there is scarcely in the history of this Government until now any instance of a refusal by a head of a department, or even of the President himself, to communicate official acts and information as distinguished from private and unofficial papers, motions, views, reasons, and opinions, to either House of Congress when unconditionally demanded. Indeed, the early Journals of the Senate show great numbers of instances of directions to the heads of departments, as, of course, to furnish papers and reports upon all sorts of affairs, both legislative and executive.

The instances of requests to the President and commands to the heads of departments by each House of Congress from those days until now for papers and information on every conceivable subject of public affairs are almost innumerable, for it appears to have been thought by all the Presidents who have carried on the Government now for almost a century that, even in respect of requests to them, an independent and coordinate branch of the Government they were under a constitutional duty and obligation to furnish to either House the papers called for, unless, as has happened in very rare instances, when the request was coupled with an appeal to the discretion of the President in respect of the danger of publicity, to send the papers if, in his judgment, it should not be incompatible with the public welfare.

Even in times of the highest party excitement and stress, as in 1826 and 1844, it did not seem to occur to the Chief Executive of the United States that it was possible that any official facts or information existing, either in the departments created by law or within his own possession could, save as before stated, be withheld from either of the Houses of Congress, although such facts or information sometimes involve very intricate and delicate matters of foreign affairs as well as sometimes the history and conduct of officers connected with the administration of affairs.

The Senate, on February 18, agreed to this resolution:

"*Resolved*, That it is, under these circumstances, the duty of the Senate to refuse its advice and consent to proposed removals of officers the documents and papers in reference to the supposed official or personal misconduct of whom are withheld by the Executive or any head of a department when deemed necessary by the Senate and called for in considering the matter."

Mr. WALSH of Montana. Mr. President, I will conclude simply by asking what does this message from the President mean? What does he want us to do or to omit doing? I should like to have some one who is able to speak for him tell us what he wants us to do; if he does not want us to quit every one of these investigations.

There is nothing peculiar about the investigation being conducted by the select committee of which the Senator from Indiana [Mr. WATSON] is the chairman. If that committee must cease its activities, why must not all of them cease? If that committee is proceeding in violation of the Constitution, every other investigating committee is proceeding in violation of the Constitution. If it has contravened the provisions of the fourth amendment to the Constitution guaranteeing citizens against unlawful seizures and searches, the other committees are equally guilty of the same offense.

Of course this means that the President wants us to stop these investigations; and he ought to say so. He wants us to stop these investigations, and to take our chances as to the faithful discharge of the duties of every department and the officials in every department—the Veterans' Bureau, the Department of the Interior, the Department of Justice, and now the Department of the Treasury.

Of course he is not asking anything of that kind; he does not come before the Senate of the United States and say "adopt a resolution canceling the powers which you have conferred upon these committees and desist from further investigating these matters"; no, but, Mr. President, the message unquestionably has been written in order to influence public opinion which, having its force upon Members of the Senate, shall result in exactly that thing.

INDEPENDENT OFFICES APPROPRIATIONS

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 8233) making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, and offices for the fiscal year ending June 30, 1925, and for other purposes.

RECESS

Mr. WARREN. Mr. President, I wish to state that we are right where we were, and I am glad that we have not gone backward any on the bill that is before us.

I failed to give notice to-day of asking the Senate to remain through the evening. I am about to move a recess; but I wish to say at this time that in connection with the next appropriation bills which come before us I shall be compelled to ask for better progress, or else it will be necessary to ask for evening sessions.

The PRESIDENT pro tempore. The Chair is of the opinion, until otherwise advised, that if a recess is taken until to-morrow the immigration bill will be laid before the Senate at the opening of the session.

Mr. WARREN. While that is a debatable point, I do not wish to interfere with the Chair's decision, because that matter will be arranged in the morning when it comes before us.

I now move that the Senate take a recess, the recess being, under the order previously made, until 12 o'clock to-morrow.

The motion was agreed to; and (at 6 o'clock and 32 minutes p. m.) the Senate took a recess until to-morrow, Saturday, April 12, 1924, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES

FRIDAY, *April 11, 1924*

The House met at 11 o'clock a. m.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

O Lord, our God, give us the right spirit in our approach to Thee, in the resolutions we form, and in the petitions we offer. Not according to our deserts do Thou respond unto our prayer but according to the merits of our Saviour, according to the plentitude of Thy promises, and according to the greatness of our need. Forgive our mistakes, our waywardness, and our self-will. Thou hast set before us great tasks; may we fulfill them worthily. In all things O give us to understand that happiness and true success have their roots not alone in circumstances but in the inward condition of character and the breath of a good name that can be spoken without apology under all the conditions of society. Do Thou be with us all, O Lord, our God. Amen.

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

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Welch, one of its clerks, announced that the Senate had passed bill and joint resolution of the following titles, in which the concurrence of the House of Representatives was requested:

S. 746. An act providing for the development of hydroelectric energy at Great Falls; and

S. J. Res. 106. Joint resolution authorizing the erection on public grounds in the city of Washington, D. C., of an equestrian statue of General San Martin, which the people of Argentina have presented to the United States.

SENATE BILL AND JOINT RESOLUTIONS REFERRED

Under clause 2, Rule XXIV, Senate bill and joint resolutions were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 746. An act providing for the development of hydroelectric energy at Great Falls; to the Committee on the District of Columbia.

S. J. Res. 106. Joint resolution authorizing the erection on public grounds in the city of Washington, D. C., of an equestrian statue of General San Martin, which the people of Argentina have presented to the United States; to the Committee on the Library.

S. J. Res. 110. Joint resolution to admit Leia, Gersch, and Civia Lipman, three Russian orphan children, to the United States; to the Committee on Immigration and Naturalization.

IMMIGRATION BILL

Mr. JOHNSON of Washington. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 7995) to limit the immigration of aliens into the United States, and for other purposes.

The SPEAKER. The gentleman from Washington moves that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the immigration bill.

The motion was being put when Mr. Box asked for a division, and made the point of no quorum.

The SPEAKER. The gentleman from Texas makes the point there is no quorum present. Evidently there is no quorum present. The Doorkeeper will close the doors, the Sergeant at Arms will bring in the absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 343, not voting 89, as follows:

YEAS—343

Abernethy	Celler	Fulbright	Kerr
Aldrich	Chindblom	Fuller	Ketcham
Allen	Christopherson	Fulmer	Kiess
Allgood	Clague	Garber	Kincheloe
Almon	Clancy	Gardner, Ind.	Kindred
Andrew	Clarke, N. Y.	Garner, Tex.	King
Arnold	Cleary	Garrett, Tenn.	Kopp
Aswell	Cole, Iowa	Garrett, Tex.	Kurtz
Ayres	Collier	Gasque	Kvale
Bacharach	Collins	Geran	LaGuardia
Bacon	Colton	Gifford	Lanham
Bankhead	Connally, Tex.	Gilbert	Lankford
Barbour	Cook	Glatfelter	Larsen, Ga.
Barkley	Cooper, Ohio	Graham, Ill.	Lazaro
Beck	Cooper, Wis.	Green, Iowa	Lea, Calif.
Beedy	Cramton	Griest	Leatherwood
Beers	Crisp	Hadley	Leavitt
Begg	Croll	Hammer	Lehlbach
Bell	Crosser	Hardy	Lilly
Berger	Cullen	Harrison	Linthicum
Bixler	Cummings	Hastings	Little
Black, N. Y.	Dallinger	Haugen	Longworth
Black, Tex.	Darrow	Hawley	Lowrey
Bland	Davis, Minn.	Hersey	Lozier
Blanton	Davis, Tenn.	Hickey	Luce
Bloom	Denison	Hill, Ala.	Lyon
Boies	Dickinson, Iowa	Hill, Wash.	McClintic
Bowling	Dickinson, Mo.	Hoch	McKenzie
Box	Dickstein	Holaday	McKeown
Boyce	Dominick	Hooker	McLaughlin, Mich.
Boylan	Doughton	Howard, Nebr.	McLeod
Briggs	Dowell	Howard, Okla.	McNulty
Browne, N. J.	Doyle	Huddleston	McReynolds
Browne, Wis.	Drewry	Hudson	McSwain
Browning	Driver	Hudspeth	McSweeney
Brumm	Dyer	Hull, Iowa	MacGregor
Buchanan	Elliott	Hull, Morton D.	MacLafferty
Buckley	Evans, Iowa	Hull, William E.	Madden
Bulwinkle	Evans, Mont.	Humphreys	Magee, N. Y.
Burdick	Fairchild	Jacobstein	Major, Ill.
Burtness	Fairfield	James	Major, Mo.
Burton	Faust	Jeffers	Manlove
Busby	Favrot	Johnson, Ky.	Mansfield
Byrnes, S. C.	Fenn	Johnson, S. Dak.	Mapes
Byrns, Tenn.	Fish	Johnson, Tex.	Martin
Cable	Fisher	Johnson, Wash.	Mead
Campbell	Fitzgerald	Johnson, W. Va.	Merritt
Canfield	Fleetwood	Jones	Michener
Cannon	Foster	Jost	Miller, Wash.
Carew	Fredericks	Keller	Milligan
Carter	Free	Kelly	Mills
Casey	French	Kendall	Minahan
Montague	Rankin	Snyder	Valle
Mooney	Ransley	Speaks	Vestal
Moore, Ga.	Rathbone	Sproul, Kans.	Vincent, Mich.
Moore, Ill.	Rayburn	Stalker	Vinson, Ga.
Moore, Ohio	Reece	Steagall	Vinson, Ky.
Moore, Va.	Reed, Ark.	Stedman	Voigt
Moores, Ind.	Reid, Ill.	Stengle	Wainwright
Morehead	Richards	Stephens	Ward, N. C.
Morgan	Roach	Stevenson	Watkins
Morris	Robinson, Iowa	Strong, Kans.	Watres
Morrow	Robsion, Ky.	Sullivan	Watson
Murphy	Rogers, Mass.	Summers, Wash.	Weaver
Nelson, Me.	Rogers, N. H.	Sumners, Tex.	Weller
Nelson, Wis.	Romjue	Swank	Welsh
Newton, Minn.	Rosenbloom	Swing	White, Kans.
Nolan	Rouse	Taber	White, Me.
O'Connell, N.Y.	Rubey	Tague	Williams, Ill.
O'Connell, R. I.	Sabath	Taylor, Tenn.	Williams, Mich.
O'Connor, N.Y.	Salmon	Taylor, W. Va.	Williams, Tex.
O'Sullivan	Sanders, Ind.	Temple	Williamson
Oldfield	Sanders, Tex.	Thatcher	Wilson, Ind.
Oliver, Ala.	Sandlin	Thomas, Ky.	Wilson, La.
Oliver, N. Y.	Schafer	Thomas, Okla.	Wilson, Miss.
Park, Ga.	Scott	Thompson	Wingo
Parks, Ark.	Sears, Fla.	Tillman	Winter
Peery	Sears, Nebr.	Tilson	Wolff
Perkins	Shallenberger	Timberlake	Wood
Perlman	Sherwood	Tincher	Woodruff
Pou	Simmons	Treadway	Woodrum
Prall	Sinnott	Tucker	Wright
Purnell	Sites	Tydings	Yates
Quin	Smith	Underhill	Young
Ragon	Smithwick	Underwood	Zihlman
Raker	Snell	Upshaw	

NOT VOTING—89

Ackerman	Funk	Logan	Sanders, N. Y.
Anderson	Gallivan	McDuffie	Schall
Anthony	Gibson	McFadden	Schneider
Brand, Ga.	Goldsborough	McLaughlin, Nebr.	Seger
Brand, Ohio	Graham, Pa.	Magee, Pa.	Shreve
Britten	Greene, Mass.	Michaelson	Sinclair
Butler	Greenwood	Miller, Ill.	Sproul, Ill.
Clark, Fla.	Griffin	Morin	Strong, Pa.
Cole, Ohio	Hawes	Mudd	Sweet
Connery	Hayden	Newton, Mo.	Swoope
Connolly, Pa.	Hill, Md.	O'Brien	Taylor, Colo.
Corning	Hull, Tenn.	O'Connor, La.	Tinkham
Crowther	Kahn	Paige	Vare
Curry	Kearns	Parker	Ward, N. Y.
Davey	Kent	Patterson	Wason
Deal	Knutson	Peavey	Wefald
Dempsey	Kunz	Phillips	Wertz
Drane	Lampert	Porter	Winslow
Eagan	Langley	Quayle	Wurzbach
Edmonds	Larson, Minn.	Rainey	Wyant
Frear	Lee, Ga.	Ramseyer	
Freeman	Lindsay	Reed, N. Y.	
Frothingham	Lineberger	Reed, W. Va.	

So the motion to go into the Committee of the Whole House on the state of the Union was agreed to.

The following pairs were announced:

Mr. Patterson with Mr. Drane.
Mr. Langley with Mr. Clark of Florida.
Mr. Reed of New York with Mr. Hawes.
Mr. Morin with Mr. Corning.
Mr. Wason with Mr. Brand of Georgia.
Mr. Beedy with Mr. Logan.
Mr. Gibson with Mr. O'Connor of Louisiana.
Mr. Parker of New York with Mr. Rainey.
Mr. Wyant with Mr. Gallivan.
Mr. Butler with Mr. Hayden.
Mr. Ackerman with Mr. Lindsay.
Mr. Edmonds with Mr. Taylor of Colorado.
Mr. Frear with Mr. Eagan.
Mr. Graham of Pennsylvania with Mr. Kent.
Mr. Hill of Maryland with Mr. Connery.
Mr. Lampert with Mr. Quayle.
Mr. McFadden with Mr. Davey.
Mr. Newton of Missouri with Mr. Deal.
Mr. Porter with Mr. Griffin.
Mr. Seger with Mr. Kunz.
Mr. Sinclair with Mr. O'Brien.
Mr. Vare with Mr. Lee of Georgia.
Mr. Winslow with Mr. McDuffie.
Mr. Shreve with Mr. Wefald.
Mr. Connolly of Pennsylvania with Mr. Greenwood.
Mr. Greene of Massachusetts with Mr. Goldsborough.

The result of the vote was announced as above recorded.

A quorum being present, the doors were reopened.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union, with Mr. SANDERS of Indiana in the chair.

The CHAIRMAN. The Clerk will read the bill.

The Clerk read as follows:

Be it enacted, etc., That this act may be cited as the "immigration act of 1924."

Mr. ROGERS of Massachusetts. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Mr. ROGERS of Massachusetts offered the following amendment: Page 1, after line 4, insert the following as a new section:

"(1½) After July 1, 1926, the maximum total number of immigrants that shall be admitted into the United States in each fiscal year shall be 200,000. On or before April 1, 1926, the Secretary of State, the

Secretary of Commerce, and the Secretary of Labor shall jointly make an estimate showing, as nearly as may be, the several national origins of the persons who in 1920 comprised the whole population of continental United States, excepting the descendants of such persons as were involuntarily immigrants into the territory now included therein. In the preparation of such estimate the said officers are authorized to call for information and expert assistance from the Bureau of the Census, and to receive and utilize any information that may be available from other sources.

"After July 1, 1926, the annual quota of each nationality shall bear the same ratio to said maximum total number of immigrants as the number of inhabitants of the United States having that national origin shall bear to the whole number of inhabitants—under the census of 1920—other than the descendants of involuntary immigrants. On or before April 1, 1926, said officials shall jointly proclaim and make known the quotas of each nationality, determined as aforesaid, and thereafter the said quotas shall continue with the same effect as if specifically stated herein, and shall be subject to correction and readjustment only if it shall be made to appear to the satisfaction of said officials that an error of fact has occurred in said estimate or in said proclamation: *Provided, however,* That no person included in the provisions of section 4 shall, for the purposes of this section, be regarded as subject to the quota herein established."

Mr. JOHNSON of Washington. Mr. Chairman, I make the point of order against the amendment on the ground that it is not germane to the bill or to the paragraph. As I heard the amendment read it delegates authority to the Bureau of the Census and away from Congress.

Mr. ROGERS of Massachusetts. Does the gentleman contend that the amendment is not germane as far as its present place in the bill is concerned, or that it is not germane at all?

Mr. JOHNSON of Washington. I think it is not germane at all; it undertakes to fix the maximum number of immigrants to be admitted at a future date, that number to be sent to the Census Office to be studied and prorated.

Mr. ROGERS of Massachusetts. Does the Chair care to hear an argument on both points or only on the question of whether the amendment is germane at this point?

The CHAIRMAN. The Chair would like to inquire of the gentleman from Massachusetts whether the amendment he has offered is the same as that printed in the RECORD?

Mr. ROGERS of Massachusetts. It is the same as printed in the RECORD, except that I have reduced the total number from 250,000 as printed in the RECORD to 200,000, and I have also inserted a proviso with reference to the census of 1926. In all essentials the other terms are identical.

The CHAIRMAN. The Chair is inclined to think that the amendment offered by the gentleman from Massachusetts is germane to the bill. Whether it is germane at this point or not the Chair is in doubt. The Chair would be glad to hear the gentleman from Massachusetts.

Mr. JOHNSON of Washington. Mr. Chairman, it is clearly not germane at this point.

The CHAIRMAN. The Chair will be glad to hear the gentleman from Washington on either point.

Mr. JOHNSON of Washington. Mr. Chairman, I have made the statement that in my opinion it is not germane to the bill, in that it contemplates the fixing of a positive number of immigrants to come to the United States, and delegates certain powers to the Census Bureau. Because it seeks to change the plan, it is clearly not germane at this point. We now merely have read what is to be the title of the bill. This is a plan to modify the provisions of section 10. It delegates to the Census Office the right to find a way to pro rate the number it provides shall enter. If it were to be offered as another plan, it should be offered in the form of a substitute to the entire measure, because it changes the whole scheme of the bill.

Mr. ROGERS of Massachusetts. Mr. Chairman, I call the attention of the Chair in the first place to the fact that this is a bill to limit the immigration of aliens into the United States, and for other purposes. An examination of the bill discloses that it is a very elaborate, very general, and very careful modification of practically all of the immigration requirements which have come into being within recent years. As far as the germaneness of the proposed amendment at the present point in the bill is concerned, the Chair will notice that the major theme which runs through the entire bill is the limitation of aliens by means of a quota method. The amendment which I have offered is for the limitation of aliens also by a quota method, but by a quota determined in a somewhat different way from that embraced within the text of the bill itself. The amendment which I have offered provides that after July 1, 1926, the annual quota of each nationality shall bear the same ratio to the total immigration as the number of inhabitants of the United States having that national origin shall bear to the whole number of inhabitants other than the descendants of involuntary immigrants.

It is true that the bill before the committee bases its quotas upon foreign born by a certain census, but it is, none the less, because of that fact, a quota bill. I am proposing a quota substitute, so far as the period following July 1 two years hence is concerned. In the meantime the bill as offered, assuming the adoption of the amendment, would go into effect and be operative as it appears now in the printed text.

The gentleman from Washington [Mr. JOHNSON] says that, if this amendment is in order at all, it is in order to section 10, because section 10 deals with the question of quotas. In other words, the gentleman suggests that where the section relating to quotas is to be found, there and because of that fact the amendment which I have offered becomes in order. I call to the attention of the chair the uniformity with which almost all the sections of this bill deal with the quota subject. As early as section 2 we find in lines 5 and 6 an analysis of what are quota immigrants and what are nonquota immigrants. We proceed to section 4 on page 5, and we find a definition and discussion of nonquota immigrants. Section 5 on page 7 deals with quota immigrants and section 6, toward the end of page 8, deals with applicants as nonquota immigrants. Section 7 on page 10 deals with nonquota immigration certificates. Section 8 deals with other phases of nonquota immigrants, and section 10 is the section as to which the gentleman from Washington makes the suggestion that the amendment would naturally be germane if germane at all to the bill. As far as the parliamentary situation is concerned, my thought is that, this being a quota bill, the natural point to insert an amendment which in a measure is a substitute for the present quota plan is rather early in the bill before we get too deeply immersed in the definitions of quota and nonquota. I think that is of importance both from a parliamentary standpoint and also from the standpoint of the convenience of the Committee of the Whole. It may easily happen, if this amendment should receive the favorable consideration of the committee, that there would be changes which the gentleman from Washington or other members of the committee might feel should properly result from the adoption of the amendment. Because this is a quota bill in its essence, as well as an extensive modification and restriction of current laws, and because the convenience of the committee will be promoted by the consideration of the amendment at this time, I respectfully submit that the amendment is in order.

Mr. DICKSTEIN. Mr. Chairman, how does the gentleman propose to distribute his quota in respect to the 200,000?

Mr. ROGERS of Massachusetts. I do not think that is in order on the discussion of the parliamentary question.

The CHAIRMAN. The Chair is ready to rule. The section which has just been read is a section fixing the name by which the act may be cited. The section following is a section dealing with applications for certificates, wholly regulatory in character. There is nothing in either section 1 or section 2 which deals with the limitation of the number of immigrants. If the gentleman from Massachusetts shall offer an entire substitute bill as a substitute for section 2, with notice that he would move to strike out the subsequent sections, the Chair is inclined to think that the order in which the different sections appeared in the substitute would not be important and that it might be put in this order. However, the gentleman is merely offering an additional section to the bill, and under the uniform rulings it must be germane, even though it is a new section, to the preceding section. The same strictness is not required when it is a new section, but still the rule prevails. The Chair sustains the point of order with reference to the germaneness of the amendment at this place.

Mr. ROGERS of Massachusetts. And I understand the Chair expresses no opinion at the time as to the germaneness of the amendment at some other point of the bill?

The CHAIRMAN. The gentleman is correct.

Mr. CELLER. Mr. Chairman, I move to strike out the last word. Before going into the full and complete discussion of amendments to the bill I think it is well for the committee to understand something with reference to the importance of the foreigner in our midst. I have taken the trouble to go through certain census reports apropos of homicides in this country, and I find something which is most startling, to say the least. I have found that in States like Rhode Island, Massachusetts, Connecticut, Minnesota, New York, and New Jersey, where the proportion of our foreign white stock to the total population is 60 per cent, the homicide rates are

lower than in those States like Kentucky, Virginia, Mississippi, Tennessee, and North and South Carolina, where the proportion of our foreign white stock is under 10 per cent.

When I use the term "foreign white stock," I mean not only those who are foreign born or aliens in our midst but those who are born here and have one or two parents who have been born on the other side. If you plot a line in reference to homicide rates you would find where the white-stock foreigners in our midst are most predominant you have the least homicide rates. For example, in those States which have a predominant foreign population, like New York, New Jersey, Rhode Island, Massachusetts, Connecticut, Minnesota, they have a homicide rate for 100,000 of white population of 4.1. You go to the next group of States where the foreign-born population is from 50 to 60 per cent, like Wisconsin, Michigan, and Illinois, and you have a homicide rate which is even larger per 100,000 of white population, namely, a rate of 5.5. You go into the group of States like New Hampshire, California, Montana, Washington, Utah, Pennsylvania, Nebraska, where the foreign white population is between 40 to 50 per cent, and you have an even still higher homicide rate per 100,000 white population, a rate of 6.1. If you go into States like Oregon, Maine, Vermont, Colorado, and Ohio, where the foreign white stock is from 30 to 40 per cent, you have a still greater homicide rate of 6.6.

Mr. BYRNS of Tennessee. Will the gentleman yield?

Mr. CELLER. I will.

Mr. BYRNS of Tennessee. The gentleman speaks of the percentage in relation to white population. Now, in the States to which the gentleman refers there is a very large colored population. Does the gentleman think he is exactly fair in his comparison, taking that into consideration?

Mr. CELLER. I think it is an entirely fair comparison, because in the percentage I gave you of the foreign white stock I do not include the negro in the homicide rate. I think the comparison is eminently fair.

Mr. BYRNS of Tennessee. Does the gentleman mean to say in those States to which he has referred he only takes into consideration the homicides occurring within the white population?

Mr. CELLER. No; the homicides by white men. I am not taking the homicides occurring among black men. I leave out the black entirely.

Mr. WATKINS. Will the gentleman yield?

Mr. CELLER. Let me go further. The States that have a foreign white stock, with a proportion of 20 to 30, like Delaware, Maryland, Kansas—I wish the gentleman from Kansas [Mr. TINCHER] would keep this in mind—and Missouri, have in every 100,000 of white population homicides to the astounding amount of 6.6. When we go to States like Indiana, Florida, and Louisiana, where the total foreign white population is but 10 to 20 per cent, the very high homicide rate is 7.9. When you go to Kentucky, Virginia, Mississippi, Tennessee, South Carolina, and North Carolina, where the foreign white stock is under 10 per cent, you have the highest homicide rate, namely, 10.1. Now, I think we can reach a conclusion which is inescapable. The homicide rate varies inversely in proportion to the foreign white stock, and that the greater the proportion of natives of native parentage to the white population the higher the homicide rate. Gentlemen, I want you to take that into consideration in considering the bill which is before you to-day.

Mr. ASWELL. The gentleman does not intimate that the foreigners are better than the natives?

Mr. CELLER. Not at all. I intimate that we must give the foreigners their just dues, and we are not doing it in this bill.

Mr. JOHNSON of Washington. Mr. Chairman, I hope the Members will not attempt to prolong the debate until we get a little ways in this bill and see what we can develop. It is one of the most voluble subjects in all the world; and if we start in on it now by moving to strike out the last word, we would be here until the middle of next week.

Mr. MACGREGOR. Mr. Chairman, I move to strike out the last word. [Laughter.] The gentleman from Washington objects to anybody talking. I did not have any chance to talk before, and I think I ought to be given a little opportunity to talk now. [Applause.] For several days the gentleman from Colorado [Mr. VAILE] has been executing ghost dances around here for the purpose of terrifying the misguided Members of this House who do not seem to have any knowledge upon the subject, trying to put across that—I do not know what you call it, discriminating or nondiscriminating proposition. To me it is discriminating. He used the city of Buffalo, my home, as a horrible example, and therefore I think I ought to have an opportunity to get up and say something in its defense.

Mr. MADDEN. Well, the gentleman is up; go ahead.

Mr. MACGREGOR. He made the claim and he said that Buffalo is largely populated by the Polish people. The Polish people are wonderful people, and any city that has them is to be congratulated upon that.

Mr. VAILE. Will the gentleman yield?

Mr. MACGREGOR. I can not.

According to the census reports as reported from the Census Bureau, the total population of Buffalo is 506,775.

The foreign born reporting Polish as the mother tongue, 33,526; the number of native born reporting one or both parents as having Polish as the mother tongue, 49,818; making the total of native born, with one or both parents, and foreign born giving Polish as the mother tongue 83,344, as against the statement of the gentleman from Colorado, who gave the figures as 181,300 Polish people in the city of Buffalo. This figure is larger by 60,000 than the entire foreign population of the city.

The foreign-born white population is 121,824, of whom over 50,000 arrived in this country over 25 years ago.

They are solid, substantial citizens of this country and have contributed much to its growth, prosperity, and well being. [Applause.]

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

Mr. MACGREGOR. No; I decline to yield. I withdraw my pro forma amendment.

The CHAIRMAN. The gentleman declines to yield. The pro forma amendment is withdrawn.

Mr. QUIN. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Mississippi moves to strike out the last word.

Mr. QUIN. Mr. Chairman and gentlemen, it is astonishing to me that so many gentlemen on this floor seem to think more of the foreigner or of the alien than they do of the real American. According to my judgment the incentive behind the opposition to this bill comes from those great corporations who desire cheap labor and also from the dominant political forces in the districts of certain gentlemen who want to represent the majority vote, who range from 60 to 80 per cent of alien population.

According to my conception of this bill, it is honest, just, and fair. No alien has any vested right to come into this Republic. Under our organic law we have them here by sufferance. It is true there was a time when the country needed to be populated, but at the present time the population has embraced such a large foreign element that the melting pot can no longer melt and assimilate the foreign races in this country, and the amalgamation of the foreign races can not take place properly at this time. The more of them that we can keep from coming into the United States the better it is for our country. I am supporting this bill, and if I believed in my heart that the President of the United States would sign such a bill I would vote to prevent all foreign immigration for at least 10 years.

Some men are advocating the letting down of the bars to let all foreigners who will come into this Republic. Those people, congested in the large cities of the United States, are becoming a positive menace to our civilization and to our institutions. As one I believe in upholding the laws of this country; I believe in the enforcement of the law, and we must, in order to keep the Constitution and statutory law properly safeguarded, prevent these foreigners from coming into this Republic any further until those who are now here shall have becomes familiar with our American institutions so that they will obey our laws.

Mr. JOHNSON of Washington. Mr. Chairman, I move that all debate on this paragraph and all amendments thereto be now closed.

The motion was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

IMMIGRATION CERTIFICATES

SEC. 2 (a) A consular officer upon the application of any immigrant (as defined in section 3) shall (under the conditions hereinafter prescribed and subject to the limitations prescribed in this act or regulations made thereunder as to the number of immigration certificates which may be issued by such officer) issue to such immigrant an immigration certificate which shall specify (1) his nationality; (2) whether he is a quota immigrant (as defined in section 5) or a nonquota immigrant (as defined in section 4); (3) his name, age, sex, race, and personal description (including height, complexion, color of hair and eyes, and marks of identification); the date and place of his birth, and his last residence in the country from which he comes; and (4) such additional information as the Secretary shall by regulations prescribe

as necessary to the proper enforcement of the immigration laws and the naturalization laws.

(b) The immigrant shall furnish a copy of his photograph to the consular officer, which shall be permanently attached by the consular officer to the immigration certificate.

(c) The validity of an immigration certificate shall expire at the end of such period, specified in the certificate, not exceeding two months, as shall be by regulations prescribed. In the case of an immigrant arriving in the United States by water, or arriving by water in foreign contiguous territory on a continuous voyage to the United States, if the vessel, before the expiration of the validity of his certificate, departed from the last port outside the United States and outside foreign contiguous territory, and if the immigrant proceeds on a continuous voyage to the United States, then, regardless of the time of his arrival in the United States, the validity of his certificate shall not be considered to have expired.

(d) So long as an immigrant is required by any law or regulations or orders made pursuant to law, to secure the visa of his passport by a consular officer before being permitted to enter the United States, no immigration certificate shall be issued under this act in the case of such immigrant unless the consular officer has determined that, upon the issuance of such certificate, the immigrant would be entitled to the visa of his passport, or to be included in the passport of another which is so visaed. The passport of an immigrant shall not be visaed unless he has an unexpired immigration certificate. If an immigrant is included in the passport of another, such passport shall not be visaed as to such immigrant unless he has an unexpired immigration certificate, but this shall not prevent the visaing of the passport as to any alien who is not an immigrant, or who is an immigrant who has an unexpired immigration certificate.

(e) The manifest or list of passengers required by the immigration laws shall contain a place for entering thereon the date, place of issuance, and number of the immigration certificate of each immigrant. The immigrant shall surrender his immigration certificate to the immigration officer at the port of inspection, who shall at the time of inspection indorse on the certificate the date, the port of entry, and the name of the vessel, if any, on which the immigrant arrived. The immigration certificate shall be transmitted forthwith by the immigration officer in charge at the port of inspection to the Department of Labor under regulations prescribed by the Secretary.

(f) No immigration certificate shall be issued to an immigrant if it appears to the consular officer, from statements in the application, or in the papers submitted therewith, or otherwise, that the immigrant is inadmissible to the United States under the immigration laws, nor shall such certificate be issued if the application fails to comply with the provisions of this act.

(g) Nothing in this act shall be construed to entitle an immigrant, to whom an immigration certificate has been issued, to enter the United States, if, upon arrival at the port of inspection, he is found to be inadmissible to the United States under the immigration laws. The substance of this subdivision shall be printed conspicuously upon every immigration certificate.

(h) A fee of $2 shall be charged for the issuance of each immigration certificate, which shall be covered into the Treasury as miscellaneous receipts.

Mr. JOHNSON of Washington. Mr. Chairman, I offer a committee amendment.

The CHAIRMAN. The gentleman from Washington offers a committee amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. JOHNSON of Washington for the committee: Page 2, line 4, strike out all after the word "shall" through and including the period in line 14 and in lieu thereof insert the following: "consist of one copy of application provided for in section 6 viséed by such consular officer. Such visé shall specify (1) the nationality of the immigrant; (2) whether he is a quota immigrant, as defined in section 5, or a nonquota immigrant, as defined in section 4; (3) the date when the certificate shall expire; and (4) such information as may be necessary for the proper enforcement of the immigration laws and the naturalization laws as may be by regulation prescribed."

Mr. JOHNSON of Washington. Mr. Chairman, the amendment I have just offered, simplifying the process of the application and the certificate, will be followed by three other committee amendments, perfecting amendments. We are undertaking here to set up an application process on the part of prospective immigrants, and we are endeavoring to give some power to the consular agents of the United States. All of this involves new machinery, and in the setting up of that machinery we are anxious to perfect it along the lines which meet the approval of our Department of State. Therefore the committee has given a great deal of attention to these paragraphs, has changed them frequently, and now offer amendments to perfect the plan.

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

Mr. JOHNSON of Washington. I yield.

Mr. MADDEN. I would like to ask the gentleman from Washington if the amendment that he is proposing will give the American consuls discretionary power to visé or not to visé, as they may deem proper?

Mr. JOHNSON of Washington. In case of immigrants; yes. Let me explain that.

Mr. MADDEN. Of course, that is very important.

Mr. JOHNSON of Washington. It is.

Mr. MADDEN. Of course, if they did not have that power, they could not examine prospective immigrants in foreign countries.

Mr. JOHNSON of Washington. Our present passport laws permit consular officers to refuse to visé a passport only if the consul has reason to believe that the man asking for the visé is opposed to an organized form of government or is an anarchist, and so forth. Our State Department has blanks upon which the application for the passport visé is written out.

Your committee, in setting up this plan for questionnaire examinations overseas, has adopted the form used in the State Department, and inasmuch as provision is made for examination of prospective immigrants on the other side we give the consuls the right to make the inquiry after receiving the information, and the right to reject the visé.

Now, in these committee amendments that we are offering we are attempting to simplify the paper work. Your committee has built up a plan for the application upon which the certificate is to be issued. Following that a visé is to be issued. Adopting the suggestions of the Secretary of State, we combine it all in one paper, so that the original copy of the application, when it is viséed, becomes the certificate which is used by the immigrant to travel, he is counted on it, and upon his arrival at the port of entry is taken up, properly noted, and placed on file in the records of the department, where it becomes his record to be used by him when the time comes to sign his naturalization papers.

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

Mr. JOHNSON of Washington. Yes.

Mr. WATKINS. This not only has the approval of the committee, but the approval of the Department of State?

Mr. JOHNSON of Washington. It has.

Mr. NEWTON of Minnesota. Mr. Chairman, will the gentleman yield?

Mr. JOHNSON of Washington. Yes.

Mr. NEWTON of Minnesota. The gentleman has spoken of the discretion of consuls. Now, just what rules are to govern him in the exercise of his discretion? Can he arbitrarily turn down one person and permit another to come in, or just what rules do govern him?

Mr. JOHNSON of Washington. All of the consuls with whom we have talked, have regretted that they had not the authority to refuse visés to persons they knew should not come to the United States. In the future when a man applies under this new plan, and it is clear to the consul that he can not be admitted under the immigration laws, that consul will refuse a visé and thereupon the man can not get his certificate, so there you are.

Mr. NEWTON of Minnesota. In the exercise of his discretion, then, he must follow what he believes to be the laws, and whether or not that immigrant would be admissible under our laws?

Mr. JOHNSON of Washington. Exactly so.

Mr. NEWTON of Minnesota. If, however, after he has conferred with the immigrant and he is satisfied he would be admissible, he then has no discretion to turn him down?

Mr. JOHNSON of Washington. No; if there is a quota opening for the quota immigrant. But on top of all this we reserve the right for the United States to make a further examination at the port of entry.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SABATH. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from Illinois is recognized in opposition to the amendment.

Mr. SABATH. The amendment which the gentleman has offered in itself is not objectionable. All I desire to do is to call the attention of the committee to the fact that the system provided for, as stated by the gentleman from Washington, is not so simple as he is trying to make the committee believe. They still provide in this bill not merely for an immigration certificate but also for a passport, so that an immigrant not only must have a certificate from the consul but he must also have his passport viséed. I have been under the impression that either one of these two instruments would suffice; that it would save a great deal of money to the Government, it would simplify

the matter and at the same time it would protect our country from having anyone enter who is not entitled to come under the law.

Mr. CABLE. Will the gentleman yield?

Mr. SABATH. Yes.

Mr. CABLE. I ask the gentleman whether this proposed amendment does not save several hundred thousand dollars?

Mr. SABATH. As I have stated, I really do not object to this amendment but I object to the entire provision as drafted. I believe we should strike out the following paragraph which provides for passports, because we do make full provision for the immigration certificate.

Now, after a consul has made a thorough examination—as he has been given the power to do—as to each and every applicant or immigrant and he is satisfied that he is entitled to come in under the immigration law of 1917, as well as under this law, and he gives him a certificate, I can conceive of no reason why in addition to having that certificate he should also have a passport. But if there are some gentlemen who believe that we should retain the war-time provision as to passports, as my friend from Pennsylvania Mr. PORTER does, then let us add that to the provision, the passport provision.

Mr. WATKINS. Will the gentleman yield?

Mr. SABATH. Yes.

Mr. WATKINS. The Department of State and the administrative officers approve of this proposition as embodied here, do they not?

Mr. SABATH. The technical gentleman. But the Secretary of Labor and his department, which has jurisdiction of the Immigration Bureau, has recommended only one certificate.

The CHAIRMAN. The time of the gentleman has expired.

Mr. RAKER and Mr. LAGUARDIA rose.

The CHAIRMAN. The gentleman from New York [Mr. LAGUARDIA] is recognized as a member of the committee.

Mr. WATKINS. But, Mr. Chairman, the gentleman from New York is not a member of the committee.

The CHAIRMAN. The Chair was under the impression that the gentleman from New York is a member of the committee. The Chair will recognize the gentleman from California [Mr. RAKER], who is a member of the committee.

Mr. RAKER. Mr. Chairman, I move to strike out the last two words in order to explain this amendment.

Mr. Chairman and gentlemen of the committee, in just a few words may I say this: Under the present law a man not an immigrant has to have a passport. The chairman of the Committee on Foreign Affairs appeared before the committee and the testimony is that a man can not travel from one country to another in the Old World without a passport. Therefore we have retained the passports.

Now, the quota immigrants, as defined in section 5, make their applications, and instead of having a certificate attached to them this amendment places it on them, as defined in this section; and the nonquota immigrants, as defined in section 4, make application and state the facts as set forth in section 4.

Then the facts as provided for in this amendment are indorsed on that certificate. So an immigrant has his certificate, with the visé on it, and his passport, which is necessary for traveling in all European countries and in order to get from one to the other.

The bill as now written provides for attaching this certificate to the application, and the amendment provides for putting a visé on the application. The Secretary of State claims—and I think he is right—that it is clearly within our power to deal with the visés. Now, if you place it upon the application, no country can possibly complain that we are requiring the applicant to do more than must be done now in obtaining a passport, so that we comply with our treaties.

We put less burden on the applicant. He gets his passport and his certificate with the visé and then if he shows himself competent can land in the United States; but no man can ever land in the United States unless he gets this visé of his application, and in that application he has to state the record of his life, and the consular officer has the power to investigate those facts and determine whether or not he is capable of admission under the laws of the United States. Therefore, we have provided in this provision what seems to be desired by 99 out of every 100 people of the United States—that we may know who comes to our shores; and, second, that no man, if he tells the truth, can ever be wrongfully denied entrance into the United States; but always reserving the right to reject him at the port of entry if he is not admissible.

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

Mr. DICKSTEIN and Mr. LAGUARDIA rose.

Mr. LAGUARDIA. Mr. Chairman, I have an amendment to the gentleman's amendment.

The CHAIRMAN. The gentleman from New York [Mr. DICKSTEIN], a member of the committee, is entitled to recognition.

Mr. DICKSTEIN. Mr. Chairman and gentlemen of the committee, I think the committee is laboring under a wrong impression and I want to clear that up at this time. I again repeat to the committee that there is nothing in this bill whereby you can select the immigrant abroad. Under the procedure that is now in force all you have to do is to go into a consul's office, get an application, and that application can be filled out by anybody. The man then returns, and if the consul feels like granting a visé he grants such a visé. Under the proposed law the applicant must come to the consul, and the selection which the distinguished member of the committee called selection is the fact that the man who desires such a visé must come to the consul and some one in the consular office will fill out the application. That is all the selection there is in the whole bill, and as my friend from Illinois properly asked, Has the consul any power? Yes; he can say yes or no, and whether you are entitled to come in or not. There is no appeal provided from that decision. There is no right of appeal provided from the consul's decision, even if he is wrong. Therefore I say to you it is again discriminatory, because, for example, the consul at Warsaw visés all passports within the province of Poland. Some immigrants or some applicants are miles and miles away. Some applicants must travel at least two or three days before they reach the consul's office. Let us assume, for example, that A, an applicant, who traveled two days, comes to the consul's office and the consul fills out his application. Is the consul going back to his home town to find out who this man is? Is the consul going to be enlightened by the fact that this man comes before him and he sees him sign his name to the application? I say, gentlemen, there is no such thing as selection here. It is simply a question of who comes first.

Mr. LAGUARDIA. Will the gentleman yield?

Mr. DICKSTEIN. Yes.

Mr. LAGUARDIA. The gentleman knows that under the European police system this selection will amount simply to permitting the foreign governments to select, because they will file a protest with the American consul on anyone they do not want to permit to go out of the country.

Mr. DICKSTEIN. And it will simply give an opportunity for fraud.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. LAGUARDIA and Mr. JOHNSON of Washington rose.

The CHAIRMAN. The gentleman from Washington, the chairman of the committee, is entitled to recognition.

Mr. LAGUARDIA. Mr. Chairman, the gentleman from Washington has been recognized once on this amendment.

The CHAIRMAN. For what purpose does the gentleman from Washington rise?

Mr. JOHNSON of Washington. I am willing, Mr. Chairman, to hear the amendment to see if it is germane.

Mr. LAGUARDIA. If the Chair pleases, under the rules of the House, I do not have to submit my amendment to the chairman of the committee. I have an amendment at the desk and am entitled to be recognized.

The CHAIRMAN. Does the gentleman desire recognition?

Mr. LAGUARDIA. He does.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment by Mr. LAGUARDIA to the amendment offered by Mr. JOHNSON of Washington: After the word "prescribed," at the end of the Johnson amendment, insert "*Provided*, That no information shall be required concerning an immigrant's religion."

Mr. LAGUARDIA. Mr. Chairman, the amendment offered by the gentleman from Washington, as pointed out by the gentleman from Illinois, seems to be innocent and innocuous, but you are really furnishing the means whereby the foreign government can control absolutely who shall emigrate. Can you not see that the mere presentation to the American consul that the alien is undesirable as to his political belief—and I refer to the local situation—will thereby exclude the possibility of that alien obtaining a visé prior to his application for admission into this country?

Gentleman, if you will read the hearings before the committee, you will find that the representatives from the State Department admitted they were going beyond the law in ascertain-

ing the political beliefs of the applicants asking for passport visés.

Under the act passed by the Congress as a war measure, prohibiting the entry into the United States of a certain class of immigrants of a defined political belief, the State Department is viséing passports. That act was extended, and the representatives from the State Department admit that they are going beyond the authority of that act and that there is a grave question whether they are authorized at this time to continue their duties under the original act, and they complain that they should have the power to refuse a visé. Gentlemen, instead of providing a wholesome amendment here for the physical inspection of aliens, you do not do that because the steamship companies do not want such inspection, a dangerous condition, and one detrimental to the best interest of this country.

Mr. ASWELL. Will the gentleman yield?

Mr. LAGUARDIA. Certainly.

Mr. ASWELL. Does this bill make any reference at all to the religion of the immigrant?

Mr. LAGUARDIA. I am coming to that.

Mr. ASWELL. You are making the reference. The bill does not make any reference to that.

Mr. LAGUARDIA. Under the provisions of this bill, I will say to the gentleman from Louisiana, you do not prescribe what information shall be obtained from the immigrant or the applicant, and you simply provide for such information as shall be prescribed by regulations.

Unless we specifically take religion out of the bill in the first section, you are going to get religion into it.

Mr. WATKINS. Will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. WATKINS. I think the gentleman is not correct. The bill says:

> Such information as the Secretary shall by regulation prescribe as necessary to the proper enforcement of the immigration laws and the naturalization laws.

There is nothing in regard to religion as being necessary to enforce these laws.

Mr. LAGUARDIA. The gentleman knows that application has been made to insert the immigrant's religion on the ship's manifest. That is now being considered. I will say under the law the American consul has the power to inquire into the man's political belief, has the power to require that he state his religion or denominational sect, and under existing conditions in Europe we will play hand in hand with the religious warfare that is going on in some of the countries in Europe. Is the American Congress going to lend itself to a religious movement now being carried on in some of the countries in Europe? Let us be fair about it; let us not give any such latitude to the Secretary of State; let us not permit the law to be so loosely drawn as to permit at any time religious qualification in order to obtain a consular visé.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. NEWTON of Minnesota. Mr. Chairman, I want to call attention to a statement that was made in the RECORD on page 5924 on Tuesday evening by the gentleman from New York [Mr. PERLMAN] wherein he used language to the effect that our consuls and consular officers had been guilty of accepting bribes in viséing passports. I am quoting him substantially. I was in the chair at the time, or I would have called attention to it immediately thereafter. In the enforcement of the visé law and the provisions of this bill we must rely upon the ability and integrity of our consular officers. I was greatly surprised at the statement and I took the matter up with the State Department. I ascertained that no man in the State Department abroad or any American employee of any consular office had in any way been found guilty of any such practice or anything of the kind.

Mr. PERLMAN. Will the gentleman yield?

Mr. NEWTON of Minnesota. In a moment. We must bear in mind that we do have to employ in the clerical help citizens of other countries. The desire to get over here has prompted hundreds of people to try to get in and they have resorted to forgery and everything else in order to do so.

A few of these foreign employees have fallen to temptation. They have been promptly discharged. Not in a single instance has one of the American employees been involved.

Mr. PERLMAN. Will the gentleman yield?

Mr. NEWTON of Minnesota. Yes.

Mr. PERLMAN. Does not the gentleman know that the State Department and the Labor Department are making investigations into the affairs of the consul at Buenos Aires in connection with viséing passports?

Mr. NEWTON of Minnesota. I understand we have seven inspectors—two of them in Europe all the time. They are running down the reports from time to time, but they have been unable in a single instance to substantiate any charge against any American citizen. The gentleman did not say that they were being investigated, but he stated as a fact that the consuls had been bribed.

Mr. ROGERS of Massachusetts. Will the gentleman yield?

Mr. NEWTON of Minnesota. Certainly.

Mr. ROGERS of Massachusetts. Is it not inevitable that with the hundreds of thousands of would-be immigrants from every country that a charge should emanate as a result of disappointment that there had been unfair discrimination?

Mr. NEWTON of Minnesota. Certainly; there are people in foreign countries who claim to be intermediaries, who claim to have a pull with the State Department, and they get away with the money of the immigrants. They are the ones that ought to be proceeded against, not by our Government but by the other governments.

Mr. LAGUARDIA. Will the gentleman allow me to say that I have looked at that phase of it and I find that these immigrants or would-be immigrants are exploited by their own people?

Mr. JOHNSON of Washington. If the gentleman from Minnesota will yield, I want to say that in addition to that the steamships belonging to the British Government, or operating from that country, are selling tickets in advance. As near as I can learn, all steamships are selling tickets in advance, the pressure being so great that they are selling them without regard to what the quota may be. These poor people are robbed all along the line by their own people, and this whole bill is designed to protect them against it.

Mr. NEWTON of Minnesota. Yes; now the gentleman from New York, in proposing the amendment here, excepts religion, although most of his speech referred to the investigation as to a man's politics.

Mr. LAGUARDIA. Will the gentleman yield?

Mr. NEWTON of Minnesota. I decline to yield now. The immigration laws provide certain prohibitions as to people coming from another country. They can not admit people who believe in or advocate the overthrow by force or violence of the Government of the United States or all forms of law, or who disbelieve in or who are opposed to organized government, or who advocate the assassination of public officials, or who advocate or teach the unlawful destruction of property, and so forth.

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

Mr. NEWTON of Minnesota. One minute more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. NEWTON of Minnesota. If a man believing any of these doctrines presents himself he should be denied a visé. The duty is enjoined upon our consular officials to ascertain these facts. In this connection, it seems to me, it is a part of their duty in inquiring who a man is, what he is, what he has done, to find out something about his ideas of government and his ideas of politics, and if the consuls do not do so they are not paying attention to the duties enjoined upon them.

Mr. LAGUARDIA. Is not there a well-defined line of demarcation between assimilation and one whose affiliations are purely local?

Mr. NEWTON of Minnesota. There are all kinds of political parties and blocs in every country in continental Europe, including those advocating even assassination as a means of attaining their ends.

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

Mr. McKEOWN. Mr. Chairman, I move to strike out the last word. I have had no opportunity to say anything on this bill. A country that is so weak and impotent that it can not protect itself deserves to fall. This Government is threatened at this time by an invasion of people who are not in sympathy with our form of government. The Constitution provides, and wisely so, that any man from any country can be prevented from coming here and becoming a citizen of the United States—so held and interpreted by the Supreme Court of our land. This country was founded upon the principle that it was a refuge for those who were persecuted politically and religiously, and we held open the doors to those people, and to-day the American people are still willing to open our doors to people who are persecuted on account of their religion or on account of their political faith. But, gentlemen, the trouble has been for the last few years that the men who have come here have

had no religion and they have no regard for government. That is the trouble now. It is not a question of coming to this country because they are persecuted on account of religion.

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

Mr. McKEOWN. Yes.

Mr. SABATH. Let me inform the gentleman that political refugees or religious refugees can not come under the 3 per cent quota act. That has been struck out.

Mr. McKEOWN. I am just saying that the purpose of this bill is to regulate the people who come into this country. I have always thought that this country offered to the people of the world great opportunities for the right kind of men with the right kind of ideas, and some of the men whose names are high in this country in science, in letters, in statesmanship, have been born in other countries. But that is no reason why we should endanger this country now by permitting men to come in here who were trying to destroy our form of government.

Mr. DICKSTEIN. Does the gentleman know that there is a statute on our books to-day under which we can deport the undesirables the gentleman is describing to the House?

Mr. McKEOWN. Yes; I understand that; but that is no reason why we should let any more come in. We have not yet gotten those out that ought to be sent out. [Applause.]

Mr. CABLE. The fact is that we never appropriate enough money to send very many out of the country.

Mr. McKEOWN. I try to be as broad as any man can be, and I hold no prejudice against good men from any other country.

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

Mr. McKEOWN. Mr. Chairman, I ask unanimous consent that I may proceed for three minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. McKEOWN. Personally, I admire the men who come to this country and by industry rise to places of importance. I sat the other day and heard Mr. Sarnoff, who is one of the greatest geniuses in this country in the matter of radio. He came to this country when he was about 12 years of age when he could not speak a word of English. To-day he commands a salary of $50,000 a year in the great city of New York, because of his ability. This country still affords opportunities to men who can come here and learn something of our institutions and advance themselves, but I say to you now that you have got to take care to see that the fundamentals of our Government are instilled into the men who do come here. Gentlemen talk about nationalizing the foreigners that have been brought to this country. I will tell you some other fellows to work on. Go to work on some of these big companies that brought cheap foreign laborers in here to beat down the price of American labor. Americanize them, and you will help out the situation.

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

Mr. McKEOWN. Yes.

Mr. CELLER. Is it not possible that in this bill you are keeping out thousands of men who are like Sarnoff, and who will rise to just as great height?

Mr. McKEOWN. I have not examined the bill in that particular, but I believe if that sort of men come, it is well and good, but I am in favor of taking some steps now to see to it that the undesirable people do not come in to run over us.

Mr. MACLAFFERTY. Mr. Chairman, I move to strike out the paragraph. I want to sound a little keynote which I hope will be paid attention to in the further discussions of this bill. I have yet to hear a man who is opposing this bill plead for a thing because it is for the good of America. He always pleads for the good of the man that is outside the boundaries of our country. Do not do this or that, he pleads, because it will not be acceptable to the man who is over in Europe or in Asia. I want to hear one of the men who are opposing this bill plead for America just once, and I say that without malice toward anyone on the face of this earth.

In regard to the amendment offered by the gentleman from New York [Mr. LAGUARDIA] and which I think is still pending, why should we not ask a man's religion and tabulate him when he comes into this country? Is it any more of an insult, if it is claimed to be an insult, to ask an immigrant what his religion is than it is to ask an American citizen what his religion is when you are taking the census every 10 years? There are forms of religion that we do not want in this country under any consideration. I do not refer to the Christian religion, neither do I refer to the Jewish religion. I do not refer to the religions that we honor and respect in this country but there are religions that we do not want here, and I hope in the future in this debate somebody that is opposed to this bill will rise and give as a reason for what is proposed or opposed the good of America, and not always the good of the man that is outside our borders. [Applause.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York to the amendment offered by the gentleman from Washington.

The question was taken, and the amendment to the amendment was rejected.

The CHAIRMAN. The question now recurs upon the amendment offered by the gentleman from Washington.

The question was taken, and the amendment was agreed to.

Mr. JOHNSON of Washington. Mr. Chairman, I offer a committee amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment by Mr. JOHNSON of Washington for the committee: Page 2, strike out lines 15 to 18 and in lieu thereof insert the following:

"(b) The immigrant shall furnish two copies of his photograph to the consular officer. One copy shall be permanently attached by the consular officer to the immigration certificate, and the other copy shall be disposed of as may be by regulations prescribed."

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

Mr. JOHNSON of Washington. I will.

Mr. LAGUARDIA. Is this second paragraph required in anticipation of a registration law later on?

Mr. JOHNSON of Washington. No; the extra photograph is part of the plan for making the application blank in duplicate. This requires another photograph. The original application when properly viséd becomes the certificate, as I have explained.

The question was taken, and the amendment was agreed to.

Mr. JOHNSON of Washington. I offer another committee amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment by Mr. JOHNSON of Washington for the committee: Page 2, line 20, before the word "certificate," insert the words "viséd in the."

Mr. PERLMAN. Mr. Chairman, I have a substitute for that, which I offer.

The CHAIRMAN. The Clerk will report the substitute.

The Clerk read as follows:

Amendment in the way of a substitute offered by Mr. PERLMAN to the amendment offered by Mr. JOHNSON of Washington for the committee: Page 2, line 20, after the word "of," strike out all the balance of line 20, all of line 21, and on line 22 the word "prescribed," and insert in lieu of the matter stricken out the words "four months."

Mr. JOHNSON of Washington. Mr. Chairman, a point of order. It can not possibly be a substitute. The amendment I am offering refers to the visé. This amendment is to change the time.

Mr. PERLMAN. It deals with the matter proposed to be stricken out by the gentleman from Washington. If it is not in order at this time, I ask that it be withheld until the amendment be disposed of.

The question was taken, and the amendment was agreed to.

Mr. JOHNSON of Washington. Mr. Chairman, I have one more perfecting amendment to this section.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment by Mr. JOHNSON of Washington for the committee: Page 5, line 3, strike out the figure "2" and insert in lieu thereof the figure "9," and in line 4, after the comma, insert the following: "which shall be in lieu of any fee for the viséing of the passport of the immigrant and."

Mr. CELLER. Mr. Chairman, a parliamentary inquiry. Will the chairman of the committee state for the edification of the Members exactly what the total fees are for the immigrant?

The CHAIRMAN. The Chair will state that that is not a parliamentary inquiry.

Mr. JOHNSON of Washington. I desire to say a word. The original bill proposed total fees of a prospective immigrant of $14 for the visé of the application, registration, and so forth, $10 of which are the regular visé and registrations required by law. But having reduced the number of papers and combined in one the application and the certificate we are now proposing to reduce extra fee required to $1 only.

Mr. CELLER. What is the amount in the present bill?

Mr. JOHNSON of Washington. The fees are $9 for visé, and $2 for the registration.

Mr. CELLER. What is it in the present law?

Mr. JOHNSON of Washington. Nine dollars for the visé, and $1 for registration.

Mr. LaGUARDIA. What is the head tax?

Mr. JOHNSON of Washington. That fee has nothing to do with this proposition. All aliens coming to the United States, whether visitors or immigrants, now pay $10 in fees. Our plan adds $1 to the fees for the immigrant alien, which is to help cover the cost of the application. Remember that the alien gets his passport from his country. Whether we continue to require it or not, most countries will require him to have it.

Mr. DICKSTEIN. Mr. Chairman, I offer an amendment to the amendment.

The CHAIRMAN. There is an amendment pending. The Chair can not recognize the gentleman.

Mr. LaGUARDIA. Mr. Chairman, I rise in opposition to the amendment. I want to call the attention of the committee to the fact that we should not burden the immigrants with excessive fees. You have here a fee of $9. Then you have a head tax besides all of this, and the head tax pays for the entire cost of the administration and enforcement of the immigration law. Just stop and consider the burden and the initial cost——

Mr. JOHNSON of Washington. If the gentleman will permit, the gentleman confuses the issue now. I will make it very clear once more.

Mr. LaGUARDIA. I only yielded for a question.

Mr. JOHNSON of Washington. The gentleman is anxious to have the fees reduced?

Mr. LaGUARDIA. Yes.

Mr. JOHNSON of Washington. That is what this does.

Mr. LaGUARDIA. If it does reduce it, I say $9 plus the head tax, and the present head tax is $8, $17 with the head tax is what we put on these immigrants as an initial cost. Now, we have a very large sum in our immigration fund in excess of the actual cost of administering and enforcing the immigration law, and $17 is a pretty heavy burden to put on the immigrant.

Mr. WATKINS. Will the gentleman yield? The gentleman is for the immigrant again. We placed in this law a selective——

The CHAIRMAN. The time of the gentleman has expired.

Mr. CELLER. Mr. Chairman, I think the gentleman from New York is perfectly right in his contention. If you will examine the report of the Commissioner General of Immigration, Mr. Husband, for the last fiscal year you will find that there is a surplus as a result of the fees and moneys taken in by the Immmigration Service of over $1,000,000.

You will further find that this Bureau of Immigration of all our departments throughout our executive system is the only department that more than pays for itself. In other words, the Immigration Service takes in more than it pays out for its entire personnel and entire maintenance and operation. I can therefore see no earthly reason why you should in any way increase the fee for passports or certificates. I believe you thus are placing on the immigrant who comes over here, and who is worthy, an undue burden, because we now have a surplus, and not a deficit. What we should do is to enact some legislation whereby that surplus may be taken out of the general fund in the Treasury and applied to the Immigration Service. It is not fair to place an increased burden on the immigrant.

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

Mr. CELLER. Yes.

Mr. WATKINS. You are arguing again for the immigrant. This bill provides for additional machinery for this work, which will cost the American people money. Why not make the fellow who is getting the benefit of this improved administration of the machinery pay the cost?

Mr. CELLER. What are you going to do, will the gentleman from Oregon answer me, with the surplus of over a million dollars that you have now in the Immigration Service? And what about the surplus that we have had for each year for the last decade or so past? Probably that accumulated surplus amounts to over twenty-five millions by this time.

Mr. WATKINS. The chairman of the Committee on Appropriations the other day was complaining because the cost of administration was too much.

Mr. CELLER. You surely do not want to increase the surplus, do you, by increasing the fees?

Mr. WATKINS. I want to prevent a deficit.

Mr. CELLER. First, find out what the system is going to cost, and then take the surplus, which has now been accumulating for years. It is admitted in a statement I read not long ago that there is possibly over $25,000,000 in the Treasury to-day that has come from this yearly surplus.

Mr. VINSON of Kentucky. Mr. Chairman and gentlemen of the committee, the reason I rose at this time is to touch on a matter that is of the nature of a question of personal privilege. It is not because of any attack that has been made on me personally, but it is because of attacks which have been made upon the State from which I hail, and which I love.

I heard this morning the distinguished and learned scholar from New York [Mr. CELLER] refer to "the homicidal rate" in my State of Kentucky. I will say, in response to that, that in Kentucky, as a general proposition—and if it is not in that manner, it is an exception to the rule—they shoot you in the face when they shoot. They do not hire a gunman for $25 to creep around after a man in the dark and shoot him in the back, as is done in the gentleman's city. [Applause.]

I heard a reference about the illiteracy rate of Kentucky the other day made by the gentleman from New York who heads the Italian bloc in Congress.

Mr. LaGUARDIA. Mr. Chairman, I ask for a moment of time on a question of personal privilege.

Mr. VINSON of Kentucky. I did not refer to the gentleman.

Mr. LaGUARDIA. The gentleman pointed right at me. [Laughter.]

Mr. VINSON of Kentucky. That gentleman from New York and the gentleman to whom I referred a moment ago [Mr. CELLER] have maligned the State of Kentucky.

Mr. McLAUGHLIN of Michigan. Mr. Chairman, I make the point of order that the gentleman is not talking to the amendment pending before the committee. [Applause.]

The CHAIRMAN. The gentleman from Kentucky will proceed in order. The gentleman must confine himself to the pending subject matter.

Mr. McLAUGHLIN of Michigan. The paragraph refers to an amount of money.

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

Mr. VINSON of Kentucky. Yes; I will.

Mr. RAKER. I have here a report from the Secretary of State, and also a report from the Secretary of Labor, showing all the money expended on this account, and the money collected; and the same way with respect to immigration, the amount received and the amount collected for the last 10 years. Those statements show that we are collecting very little more in the way of passports than we are expending.

Mr. CELLER. Will the gentleman from Kentucky yield for a moment, so that I can ask the gentleman from California a question?

Mr. VINSON of Kentucky. No; I must decline to yield. My purpose in rising at this time was to acquaint the two gentlemen from New York of the manner in which they can reach Kentucky. [Laughter.]

Mr. HILL of Maryland. Mr. Chairman, I renew the point of order. The gentleman is not talking on the amendment.

Mr. BLANTON. Mr. Chairman, I make the point of order that there is some latitude at least allowed in debate.

The CHAIRMAN. The gentleman from Maryland makes the point of order that the gentleman from Kentucky is not talking on the amendment. The point of order is well taken. The gentleman from Kentucky will proceed in order.

Mr. VINSON of Kentucky. Gentlemen, Kentucky is an American State. [Applause.] As a Representative of Kentucky, and speaking on behalf of the people of Kentucky, who have been maligned by the gentleman from New York, I want to say that the gentleman from Kentucky will stand for this bill and against all amendments that emasculate it.

Mr. McLAUGHLIN of Michigan. Mr. Chairman, I renew the point of order. The gentleman should confine himself to the subject matter pending.

Mr. VINSON of Kentucky. Mr. Chairman, I ask unanimous consent to proceed for two minutes out of order.

The CHAIRMAN. The gentleman from Kentucky asks unanimous consent to proceed for two minutes out of order. Is there objection?

Mr. HILL of Maryland. I object.

The CHAIRMAN. The gentleman from Maryland objects.

Mr. VINSON of Kentucky. Mr. Chairman and gentlemen of the committee, it occurs to me that the bill now pending before this body, which seeks to limit the immigration of undesirable aliens into the United States, can well be supported by all who take pride in the high ideals of American citizenship and by all who want to see America saved to Americans. The question confronting us is one grave in import; it affects the whole future course of our country, and strikes at the very vitals of our national life. It occurs to me that our Nation is at the parting of the ways, and the decision of this Congress is epochal in nature.

THE POWER OF THE FOREIGN VOTE IS APPARENT

In respect of the attitude of the great political parties, perhaps it is of nonpolitical character, but in respect of the attitude of the individual Members, I submit that it is highly political. Ours is a representative form of government; we represent our constituency and are subject to recall at the expiration of our terms if we fail to voice their real sentiments. Therefore I respectfully submit that the Representative of any district in which there is a considerable foreign vote can not help but be influenced by such constituency. Contra, one representing a district in which the foreign element is negligible ordinarily can view the question free from fear of political power.

The district which honors me is situate in old Kentucky and contains a minimum of foreign born; in fact, the ethnologists of our day assert that in that district can be found the purest strain of the Anglo-Saxon blood coursing the veins of Americans.

AN AMERICAN QUESTION

At the very outset it must be recognized that the question of immigration is an American question, to be settled as America wants it settled. No foreign country has any inherent or other right to suggest the method by which this problem will be solved. There need be no issue of superiorities of races injected into the discussion. It is sufficient to say that it was people of similar characteristics and blood that has made America the great Nation that she is. It was people from northern and western Europe that colonized America; it was the people of northern and western Europe that wrote her Declaration of Independence, which sounded the death knell of monarchies. It was the people of northern and western Europe that fought the War of the Revolution, the War of 1812, the Civil War, and the Indian wars. In the main it was the people of northern and western Europe that waged the Spanish-American War to its successful conclusion. And the corner stone and the substructure of this Nation having been laid and builded by such people, and thereafter the edifice having been constructed with their sweat and their hearts' blood, I maintain that they should be permitted to occupy that national edifice and be permitted to accept the benefits that have accrued from the hardships and privations of their ancestors.

Our Nation is an edifice; it is an American edifice, conceived by Americans, born in American travail, nurtured and reared by the labor of her sons; and we maintain that this problem should be solved with the eye ever keen to discrimination against the American people.

THERE IS NO DISCRIMINATION IN THIS BILL

For the first time, in the census of 1890, this country segregated the persons immigrating to this country, and were thereby able to ascertain the number of emigrants from the various nations.

All the world recognizes the right of the American Congress to fix the quota of immigrants into this country. Until after the Civil War practically all of the immigrants coming to this country hailed from the countries of northern and western Europe. Since 1890, as we have seen, the "new" immigration many times exceeds the "old" immigration. Taking the census of 1890 as a basis, I must admit that the proportion of immigrants from the countries of northern and western Europe under the proposed law will be in larger proportion than the immigrants coming from eastern and southern Europe. But if you take the census of 1900, 1910, or 1920, during which periods the "new" immigration vastly exceeds the "old" immigration, there will be a larger proportion of immigrants from eastern and southern Europe than from northern and western Europe. The question boils itself down to this: Shall the Congress of America discriminate against the people who came to these shores for more than 100 years in the period of its formation or discriminate in favor of the immigration of the past 35 years?

According to the census of 1920, 85 per cent of the population of the continental United States were direct descendants of emigrants from the countries of northern and western Europe, with 15 per cent of such population either immigrants or direct descendants thereof from eastern and southern Europe. As we understood this bill, this ratio is maintained under the 1890 census, and it is in direct proportion to the present citizenship of this country. In consequence of which I maintain that there is no discrimination in this bill.

NO DISCRIMINATION AGAINST ENGLISH, IRISH, SCOTCH, WELSH, AND FRENCH

The people who made America great are not struck at in this bill. One must bear in mind that this measure has no real restrictive effect upon the emigrants from western Europe, among whom are the English, Irish, Scotch, and French. The emigrants from these countries are designated as the "old" immigration, as contradistinguished to the emigrants from eastern and southern Europe, who are designated the "new" immigration. The "old" immigration will not be appreciably affected. It goes without argument that the traits and characteristics of the "old" immigration are of such nature as entails no danger to our country. Between the years 1882 and 1889 there were four and one-third times as many "old" immigrants as there were "new" immigrants; whereas, between the years of 1897 and 1914 there were four times as many "new" immigrants as there were "old" immigrants. And, whereas there were 2,500,000 "old" immigrants between 1897 and 1914, we find that there were more than 10,000,000 "new" immigrants during the same period.

Those favoring unrestricted immigration are wont to harken back to the days of the discovery, colonization, and settlement of our country. In respect of this argument, I want to be thoroughly understood. Were the immigrants now flooding our shores possessed of the same traits, characteristics, and blood of our forefathers I would have no concern upon this problem confronting us, because, in the main, they belonged to the same branch of the Aryan race. Americans and their forbears, the English, Irish, Scotch, and Welsh, are the same people.

These ancestors of the real American people were related one to the other and possessed, to a large degree, similar tastes, traits, and characteristics. And in the amalgamation of these people and their transition into Americans, we find the persons who created and now maintain the greatest nation on the globe.

But it is the "new" immigrant who is restricted in emigrating to this country. The emigrants affected by this bill are those from Italy, Greece, Russia, Poland, Bulgaria, Armenia, Czechoslovakia, Yugoslavia, and Turkey. I respectfully submit, with all the power within me, that the people from these countries do not yield their national characteristics, but retain them practically unimpaired by contact with others.

NO DISCRIMINATION AGAINST EASTERN AND SOUTHERN EUROPEAN IMMIGRANTS

In answer to those who endeavor to hold up the greatness of our country as conducing to prove that unrestricted immigration should be permitted, I make this statement. From the beginning of our Government until after the Civil War these nations furnished the immigrants set forth in the following table:

Italy	924
Spain	692
Portugal	365
Austria-Hungary	422
Russian Empire and Finland	183
Poland	165
Greece	5
European Turkey	11
Bulgaria	None
Serbia	None
Montenegro	None
Rumania	None
Asiatic Turkey	None

Compared to the 924 Italians who emigrated to this country prior to the year 1865, there have been a total of aliens from that country of 4,505,133 since 1865.

QUOTAS

To prove the foregoing statements, I include herewith a table showing the number of admissible immigrants under the proposed quota of 2 per cent of the census of 1890, census of 1900, census of 1910, and census of 1920:

Estimated immigration quotas based on census reports of 1890, 1900, 1910, and 1920—2 per cent plus 100 for each nationality

Country or region of birth	Estimated quotas based on 2 per cent of census plus 100			
	Census of 1890	Census of 1900	Census of 1910	Census of 1920
Albania	104	121	292	212
Armenia (Russian)	117	141	252	419
Austria	1,090	1,891	4,994	11,510
Belgium	609	749	1,142	1,356
Bulgaria	100	100	302	311
Czechoslovakia	1,973	3,531	11,472	7,350
Danzig, Free City of	323	314	300	250
Denmark	2,882	3,298	3,846	3,844
Esthonia	202	337	998	1,481
Finland	245	1,365	2,714	3,113
Fiume, Free State of [1]	110	117	148	210
France	3,978	3,734	3,920	3,177
Germany	45,229	43,081	40,172	28,705
Great Britain and North Ireland	41,772	37,282	34,508	29,152
Irish Free State	20,886	18,641	17,254	14,576

[1] Fiume is to be added to Italy.

Estimated immigration quotas based on census reports of 1890, 1900, 1910, and 1920—2 per cent plus 100 for each nationality—Continued

Country or region of birth	Estimated quotas based on 2 per cent of census plus 100			
	Census of 1890	Census of 1900	Census of 1910	Census of 1920
Greece	135	259	2,142	3,625
Hungary	588	1,232	3,932	8,047
Iceland	136	142	150	150
Italy	4,680	10,815	28,138	32,315
Latvia	217	371	1,126	1,681
Lithuania	402	655	1,852	2,801
Luxemburg	158	161	162	352
Netherlands	1,737	2,000	2,504	2,728
Norway	6,553	6,857	8,234	7,425
Poland	8,972	16,277	20,752	22,902
Portugal	574	1,016	1,744	1,616
Rumania	731	1,512	5,046	2,157
Russia	1,892	4,596	16,370	25,161
Spain (including Canary Islands)	224	245	708	1,320
Sweden	9,661	11,772	13,462	12,649
Switzerland	2,181	2,414	2,602	2,477
Yugoslavia	835	1,504	4,384	3,500
San Marino	110	110	110	110
Andorra	100	100	100	100
Liechtenstein	100	100	100	100
Monaco	100	100	100	100
Palestine	101	104	138	164
Syria	112	167	688	1,142
Turkey	123	218	1,870	841
Hejaz	105	105	105	105
Persia	125	125	125	125
Egypt	106	108	112	117
Liberia	100	100	100	100
Abyssinia	100	100	100	100
Morocco	100	100	100	100
Union of South Africa	110	110	110	110
Australia	220	240	296	323
New Zealand and Pacific Islands	167	152	154	178
Total	161,184	178,769	239,930	240,400

NOTE.—By reason of alteration of bases of computation, principally the elimination of "Other Europe," "Other Asia," and "black" Africa, certain quotas are materially changed. The German quotas are reduced by reason of the allocation of quotas to Czechoslovakia, Poland, etc. The Danish quota increases at the expense of the German quota by reason of the award of Schleswig to Denmark. The British quota increases by absorption of quotas from Cyprus, Gibraltar, and Malta (heretofore part of "Other Europe"), but is decreased by allocation of a quota to the Irish Free State. The Italian quota increases by reason of absorption of Rhodes, Dodecanese, and Castellorizzo. All these estimates, therefore are subject to considerable revision. They can not be considered as final.

THE LOVE OF FAMILY IS RECOGNIZED

Many who otherwise might not be permitted to enter our country on account of their nation's quota having been filled are, under the proposed law, permitted to enter this country. The bill permits and assists in the reuniting of families of American citizen. It is provided that an immigrant who is an unmarried child under 18 years of age, a father or mother over 55 years of age, husband or wife of a citizen of the United States may be admitted outside and irrespective of the quota. Application is made by the citizen to the Commissioner General of Immigration, who, if he finds it in order, shall, through the Secretary of State, authorize the consul to issue a nonquota certificate.

If approved by Congress, the number of quota immigrants and quota relative immigrants admitted under the proposed act would compare as follows with the number of immigrants admitted under the laws which have been in force during the last two years:

Nationality	Quota immigrants admitted under the act of May 19, 1921	Quota and quota relative immigrants admitted under proposed Johnson bill	Relative percentage
United Kingdom	77,342	125,316	162.0
Germany	67,607	102,854	152.0
France	5,729	8,228	143.6
Norway	12,202	13,308	109.0
Denmark	5,619	5,970	106.3
Sweden	20,042	19,522	97.2
Poland	21,076	10,712	50.8
Eastern Galicia	5,786	2,140	37.0
Austria	7,451	2,606	35.0
Yugoslavia	6,426	2,112	32.9
Czechoslovakia	14,557	4,462	30.7
Hungary	5,638	1,348	23.9
Italy	42,057	8,224	19.6

"ALL MEN ARE CREATED EQUAL"

Oh, yes; spellbinders representing the foreign element can take the Declaration of Independence and plead its language that "all men are created equal" in their attempt to prove the case of unrestricted immigration. We submit that this utterance was and is an axiomatic truth; that equality does exist in the eyes of the benevolent Creator; but generalities such as the one quoted must be viewed with care as applied to the particular instance, because we know that in the natural course of our life there are racial distinctions that are recognized by everyone. God made the different races and instilled into their bosom race distinction. Created of God, I submit that it can not be wrong to make distinction between races, and any person who states that he considers all other persons as his equal, when pinned down to the question of association and marriage undoubtedly gives the lie to such utterance.

This question should have no part in the consideration of this bill, in view of the fact that every leader to the opposition of the bill unequivocally states that they do not favor unrestricted immigration. All agree that the immigration should be restricted. It is the manner that is under consideration at this time.

JEFFERSON FEARED UNRESTRICTED IMMIGRATION

In connection with the argument, based upon the quotation from the Declaration of Independence in support of unrestricted immigration, I do not care to do more than submit a quotation from the pen of Thomas Jefferson, he who wrote the Magna Charta of American liberty. Jefferson not only advocated restricted immigration but stood forth with all his might in favor of a very careful selection of such restricted immigration. In his Notes on Virginia, writing on the subject of the population of America, he said:

> The present desire of America is to produce a rapid population by as great importation of foreigners as possible. * * * But is this founded in good policy? * * * Are there no inconveniences to be thrown into the scale against the advantages expected from the multiplication of numbers by the importation of foreigners? It is for the happiness of those united in society to harmonize, as much as possible, in matters which they must of necessity transact together. Civil government being the sole object of forming societies, its administration must be conducted by common consent. Every species of government has its specific principles. Ours perhaps are more peculiar than any other in the universe. It is a composition of the freest principles of the English constitution, with others derived from natural right and reason. To these nothing can be more opposed than the maxims of absolute monarchies. Yet from such we expect the greatest number of immigrants. They will bring with them the principles of the governments they have imbibed in early youth, or if able to throw them off, it will be in exchange for an unbounded licentiousness, passing, as is usual, from one extreme to another. It would be a miracle were they to stop precisely at the point of temperate liberty. Their principles, with their language, they will transmit to their children. In proportion to their number they will share with us in the legislation. They will infuse into it their spirit, warp and bias its direction, and render it a heterogeneous, incoherent, distracted mass. I may appeal to experience during the present contest for a verification of these conjectures; but if they are not certain in event, are they not possible? Are they not probable? May not our Government be more homogeneous, more peaceable, more durable?

THE CONSTITUTION PROVIDES AGAINST FOREIGN CONTROL

The Constitution of our country is appealed to as an argument favoring unrestricted immigration. In this connection we maintain that the Constitution of our land can only have application to those who are under the sovereignty of this Government. It is mere sophistry to state that this immortal document could have applied to the immigrant before he becomes a citizen of this country. In the opening words of our Constitution the purpose of its creation was set forth as follows:

> In order to form a more perfect union, establish justice, insure domestic tranquillity, * * * promote the general welfare, and secure the blessings of liberty to ourselves and our posterity.

Can one doubt that this Government was established for any purpose other than that stated in its preamble? Apply the conditions now prevailing to the preamble, and I respectfully submit that unrestricted immigration does not tend toward "a more perfect union, establish justice, insure domestic tranquillity, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity."

If ever a time existed when there was a semblance of necessity for the gates of America to be thrown wide to the undesirable foreign horde it was at the time of the adoption of our Constitution and the years next succeeding the advent of America into the world of nations. Then America was an infant in its swaddling clothes; it was necessary for sustenance to be procured from this undeveloped land to nurture this newborn babe. The forests were to be cleared, the deserts reclaimed, the fields broken by the plow of cultivation, the mountains tunneled, the rivers bridged, the railroads con-

structed, and the cities built for habitation. It was a new world and there was then need for the peopling of our vast domain. Yet in the Constitution there is unmistakable evidence that the power of foreign influence in the inner workings of our Government was guarded against.

In this wonderful document we find limitations upon the officers of its Government. A Representative of this Government must have been "seven years a citizen of the United States"; to be a Senator one shall have been "nine years a citizen of the United States"; and "no person excepting natural-born citizens, or the citizens of the United States at the time of the adoption of this Constitution, shall be eligible to the office of President." With this language in its organic and fundamental law we see that the builders of our Government guarded against the foreign element.

WASHINGTON WOULD HAVE FAVORED THIS BILL

Again harking back to the formative days of our Government, we find the famed Father of our Country in open opposition to the unrestricted commingling of foreign with American blood. The immortal Washington set forth his views in unmistakable language in a letter dated 1794 to the then Vice President, John Adams, which is, in part, as follows:

My opinion with respect to immigration is that, except of useful mechanics and some particular descriptions of men or professions, there is no need of encouragement, while the policy or advantage of its taking place in a body—I mean the settling of them in a body—may be much questioned, for by so doing they retain the language, habits, and principles, good or bad, which they bring with them, whereas by an intermixture with our people they or their descendants get assimilated to our customs, measures, and laws; in a word, soon become one people.

Subsequent to this utterance, in a letter to Sir John St. Clair, of England, the Father of his Country said:

I have no intention to invite immigrants, even if there are no restrictive acts against it; I am opposed to it altogether.

Washington undoubtedly possessed the belief that America had no need to encourage immigration, except those people who because of their work might add something to our civilization, and then only to the extent in quantity and quality as such immigrants might be assimilated without losing the American identity. He wanted them "assimilated to our customs, measures, and laws," and did not want Americans assimilated to their customs, measures, and laws.

Not only did Washington and Jefferson fear the influx of the foreign population upon the future of America and advocate restricted immigration, but other statesmen of their day, among whom we find Hamilton and Madison, advocated such immigration as would be gradual in nature and which would permit of the rapid assimilation of the alien into an American people.

THE FEARS OF THE FOUNDERS OF THIS GOVERNMENT ARE JUSTIFIED

With your permission, we will pass from the voiced judgment of the builders of our governmental structure and deal with present-day conditions which, in our judgment, are justifications of their splendid judgment upon this subject. Jefferson feared that the foreign element would "infuse into it their spirit, warp and bias its direction, and render it a heterogeneous, incoherent, and distracted mass." Without argument, I ask those living in the metropolitan cities of our country if, in large measure, the fear of Jefferson is not on the road to realization? Can anyone say that the establishment of foreign cities within our American cities could conduce to the making, in the language of Jefferson, of "a more homogeneous, a more peaceable, more durable Government?" In the vast centers of population we have a Chinatown; we have a ghetto; a Japanese settlement; a Russian group; we have a Hungarian colony; the Czechoslovakia, Lithuania, Greek, and Polish colonies, and so on ad infinitum. Water will not mix with oil, neither will peoples of diverse habits, traits, and characteristics.

Millions of foreign born are within our midst; I quote from the address delivered on this floor on March 26 by the gentleman from New York [Mr. CELLER], who rose in opposition to the bill under consideration:

Anyone familiar with the immigration problem knows that immigrants as a group are faced with the necessity of finding work immediately. They tend to settle in or be drawn to those sections in which the industries are concentrated and in which chances for employment are greatest. The natural preference of immigrants for living among their kind or for certain occupations has also affected their distribution. The population census of the United States shows that, while in 1920 the foreign-born whites constituted 13 per cent of the total population, they comprised over one-fourth of the population of the New England States, over one-fifth of the population of the Middle Atlantic States, and about one-sixth of that in the east North Central States. Taking the more important industrial States, it is found that in 1920 the ratio of the foreign-born whites to the total population was: In Rhode Island, 28.7 per cent; Massachusetts, 28 per cent; Connecticut, 27.3 per cent; New York, 26.8 per cent; New Jersey, 23.4 per cent; New Hampshire, 20.6 per cent; Minnesota, 20.4 per cent; North Dakota, 20.3 per cent; Michigan, 19.8 per cent; Illinois, 18.6 per cent; Wisconsin, 17.5 per cent.

Of all the foreign-born whites in the United States in 1920, 35.8 per cent were living in the Middle Atlantic States (New York, New Jersey, and Pennsylvania) and 23.5 per cent in the east North Central States (Ohio, Indiana, Illinois, Michigan, and Wisconsin). Thus approximately three-fifths of all the foreign born in the United States were located in eight important manufacturing States.

It is passing strange that the above-mentioned States never complain of immigration. They are probably the most progressive and most prosperous of all our States. They never complain, furthermore, that the imigrant is "indigestible," nor do they discriminate between "old" and "new" immigration.

According to the gentleman from Ohio [Mr. CABLE], in his splendid speech upon this subject delivered February 26, 1924:

The United States has passed the point of assimilation. Of the 14,000,000 of foreign born residing here less than half are American citizens. The naturalization process averages 10 years. One and one-half million of our foreign population can not speak English. Alien colonies have sprung up in the large cities, where the circulation of foreign press papers runs into 6,000,000. Seventy-five per cent of those who come from other countries to the United States live in large cities. The population in many cases is one-third foreign born. In the States of New York, New Jersey, and Pennsylvania, 35.4 per cent of the male population 21 years of age and over is foreign born; the New England States, 38.2 per cent; in Massachusetts, 41.9 per cent; Boston, 46.3 per cent; and in New York City, 53.4 per cent. These large alien colonies still hold to their foreign ideas and institutions. Our Nation is dotted with unassimilated groups—"alien islands" they may be called. It is thus necessary to reduce immigration.

Such figures are astounding and the only hope for the future of our country is that this influx of the foreign born has permeated only a small area of our great land. The gentleman from New York [Mr. CELLER] uses as an argument that the States having these large percentages of foreign born never complain of immigration. He is probably right about that. Particularly is it true that upon the floor of the House in this debate there probably will be no Representative from the districts containing this tremendous foreign influence who will voice his sentiments in favor of this bill.

From the statistics produced by the gentleman from New York [Mr. CELLER], and the gentleman from Ohio [Mr. CABLE], and from our observations, actual sight, and the study of the question, we are thoroughly convinced that America is at the parting of the ways. Upon the one hand we can permit the influx of the undesirable foreign hordes, fleeing from an overpopulated Orient, or war-ridden eastern and southern Europe, who liken this country to the proverbial "land of milk and honey," and who, if permitted, would swarm over our land like bees. Or with limited immigration as our national policy we, as a nation, are big and strong enough, possibly, to assimilate the millions now in our midst not possessed of our traits and characteristics. Never without effect upon the national identity, but in the generations to come America would still be America.

UNRESTRICTED IMMIGRATION AFFECTS AMERICAN LABOR

There is an economic consideration to be given this important problem. It is the effect that excessive immigration will have upon the standards of living of those here in America. Undoubtedly, economic forces operate to lower the standard of living of our citizen workers. Under our form of government it is essential that this standard shall be zealously guarded and kept upon a high plane. Its loss means inevitable disaster to our democracy.

Excessive immigration—

Said the late Professor Mayo-Smith—

may overstock the labor market and reduce wages; or immigrants accustomed to fewer of the comforts of life may supplant the native workmen. In either case we have brought undue pressure to bear on the mass of the people and have forced them down to a lower level. We have substituted the lower for the higher, and preferred that which is inferior. Economic well-being is a difficult thing for a nation to acquire, and once acquired is too precious to give up without a struggle. Once lost it may require generations to attain again, even if the economic conditions are favorable.

Professor Commons said—

The future of American democracy is the future of the American wage earner. To have an enlightened and patriotic citizenship we must protect the wages and standard of living of those who constitute the bulk of the citizens.

Many consider this phase of the problem as the bedrock upon which to rest their opposition to unrestricted immigration, and that such immigration would tend to lower the social standard of the American workingman and his dependents. To-day there are thousands of persons in America who are idle because of the supply of workmen in their particular industry being filled. Now, add to this condition and permit untold millions of foreigners from eastern and southern Europe, who can work for a cheaper wage because of their living conditions, and just in proportion to the number of millions permitted to enter, just so many millions of Americans now here will be forced into idleness. Therefore the effect upon the economic condition of the country by permitting unrestricted immigration can not be calculated.

A PEACEFUL INVASION

The invasion of the undesirable foreign element which we carelessly permit to flow in upon us will, in time, permeate the very fiber of our body politic. What, then, shall be the fate of our great Nation? Though the steady stream of foreigners coming to our shores can not be termed a "military" invasion, as was the Hun invasion of the Roman Empire, it is an invasion which, if permitted to go on unchecked, may have in the centuries to come the same fatal effect upon our country as did the Hun invasion of old.

For 100 years the Hun knocked at the gates of Rome in his effort to conquer that proud empire. For 100 years the Hun crept down, mile by mile, from the north and the east, and finally Rome, proud mistress of the ancient world, the victim of disruption, corruption, and deterioration, succumbed to the invasion.

For 300 years the original inhabitants of this country retreated before the imperceptible invasion of the American people. At the time the Atlantic coast line was settled and the Indian pushed westward from its waters, little would the Indian chief and his splendid braves have thought that in three centuries hence his people would have lost their country. Tempestuous at first, later as a friend, the White Father pushed the red man into limited scopes of territory—reservations—and that which was once his land was overrun by the white race.

THE POINT OF SATURATION NIGH

I know of no illustration which can as well present my fears of this foreign invasion as that afforded by a very common experiment in the study of chemistry. It is that experiment which patently discloses, in the terminology of chemistry, the point of saturation. Mixing common salt with pure water, there comes a time when the water will no longer take salt into the solution. When this condition obtains it is said that "the point of saturation has been reached." From this time any quantity of salt may be placed in the solution but it will not be taken into the solution and will be precipitated, in its natural form, to the bottom of the receptacle.

Just so the immigrant problem. America may be represented by the pure water. The foreign element may be represented by the salt. Now, mixing the foreign element with the pure American element we have, up to a certain point, a solution which assimilates the foreign element, still retaining, in a way, the American traits and characteristics. The identity of this solution is American. But continuing to throw into the solution the undesirable foreign element, the point of saturation will finally be reached. Then what happens? The undesirable foreign element is precipitated in their elemental nature upon the bottom of the receptacle. When this happens the identity of America will have been lost.

One of two things must happen. With unrestricted immigration either the foreign blood must unite with the American blood, thereby losing forever to the world the identity of the American people, or, failing to mix, with the numbers of the undesirable immigrants ever increasing, the American blood in the centuries to come will have been lost by extinction.

PROTECT AMERICA AND HER PEOPLE

If real selective immigration could be had this problem would not be of such serious nature, but when Bulgaria sends 200 convicts in one shipment it is high time for America to protect herself from being a dumping ground for Europe. Two hundred Bulgarians were convicted of crime and were sentenced to prison. The prisons were overflowing and these convicts were given, as an alternative to their prison confinement, the right to leave Bulgaria and emigrate to America. To escape their sentence to imprisonment they came en bloc to America.

The laws are placed upon our statute books to protect particular industries in our country; health requirements are in effect regulating the importation of livestock into this country; this Congress has seen fit to exclude the importation of bees as a protection to the bee industry of America; and yet they have failed, until this bill was presented, to regulate the admission of immigrants by having a selective basis and numbers restricted to the proportion that their countrymen bears to the whole population of this country.

America has many things of which to be proud. In these days of science she has progressed far among the nations. Last year saw the blooded Zev take the measure of the English champion Papyrus. In the lower animal kingdom much care is given to the selection of mates to the end that there will be no inferior blood coursing the veins of the progeny. This thought has come into common usage in every phase of the domestic life of America. Men draw munificent salaries for studying the pedigrees of animals and giving deep thought to the selection of mates therefor. We find this point overlooked to a marked degree in respect to the make-up of the would-be citizens of this country. I submit that it is high time that America protects her people.

AMERICA CAN YET BE SAVED

With the boasted East of our Nation saturated with foreign born; with the metropolis of our Nation, New York City, possessed of more than 50 per cent of its voting population foreign born—actually, in percentage of its population, a foreign rather than an American city—I maintain that it is high time for Americans to awake to the perilous condition which confronts them. But America can yet be saved, because in the vast reaches of her domain, as yet uncontaminated by the undesirable foreign-born element, there is a sufficiency of Americanism to assimilate the foreign element within our midst; but permit untold millions from the Orient and the undesirable from the eastern and southern portions of Europe to continue indiscriminately to flock into this country and the doom of America is sealed.

Mr. SABATH rose.

The CHAIRMAN. The gentleman from Illinois is recognized.

Mr. SABATH. Mr. Chairman, I fully appreciate the fact that the fee of $9 and the additional charge of $2 added to the head tax of $8, making in all $19, is too high, but I do not object to it, because I am in favor of the department having all the money that it needs for the proper investigation and examination of every immigrant before he is permitted to enter the United States.

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

Mr. SABATH. Yes; I yield to the gentleman from Texas.

Mr. BOX. I wish the gentleman would state for the benefit of the House exactly what fees are paid now and what fees will be paid under the present bill, altogether, so that the matter may be clear to the minds of the Members of the House.

Mr. SABATH. Under the present immigration law there is a head tax of $8, a fee for a passport of $9, and $2 additional for the certificate, making, all in all, $19. Of course, it is a great deal of money to the immigrant, but I am not looking at it from the immigrant's point of view. I want all the money placed in the fund that we can secure, or that we need for proper care, inspection, and examination. That has always been, at all times, my position.

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

Mr. SABATH. Yes; I yield.

Mr. BERGER. You said under the present law it was $8. Did I understand you aright?

Mr. SABATH. Under the present law it is $8 as a head tax, and there is an additional charge of $10.

Mr. BERGER. Then the gentleman said that you propose under this bill, $9 and $2, making $17, but to me $9 and $2 mean $11.

Mr. SABATH. This bill provides for $11, while the old law provides for a head tax of $8, making all in all $19.

Mr. BERGER. You add the $8 under the old law?

Mr. SABATH. Yes; that still remains as the amount of the head tax. I hope that by securing this large fund those whom we do permit to come will be treated as human beings or that we shall not permit them to come at all. [Applause.] Gentlemen, that is what I have at all times been interested in. I am not in favor of any undesirables——

The CHAIRMAN. The time of the gentleman has expired.

Mr. SABATH. I ask unanimous consent to proceed for one additional minute.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to proceed for one additional minute. Is there objection? [After a pause.] The Chair hears none.

Mr. SABATH. I have never advocated the admission of any undesirables. I have always striven to provide a law which would protect our Nation from the coming of anyone who in any way would be opposed to our institutions. And I point with pride to the 1917 act that provides that very protection.

Mr. SNYDER. Will the gentleman yield?

Mr. SABATH. Yes.

Mr. SNYDER. Then, as I understand the gentleman's argument, it will cost, if this amendment prevails, $5 more than if an immigrant comes to this country under the law which is now in existence?

Mr. SABATH. No; only $1 more.

The CHAIRMAN. The time of the gentleman has again expired. The question is on agreeing to the amendment offered by the gentleman from Washington [Mr. JOHNSON].

The amendment was agreed to.

Mr. DICKSTEIN. 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. DICKSTEIN: Page 2, line 14, insert: "*Provided*, That in the event of a refusal to issue such certificate by the consular officer the said applicant, or one he may designate in the United States for the purpose, shall have the right to appeal from the decision of such consular officer to the Secretary of Labor. The procedure for such appeals shall be prescribed by the Secretary of Labor, with the approval of the Secretary of State."

Mr. RAKER. Mr. Chairman, I reserve a point of order against that amendment.

Mr. DICKSTEIN. Mr. Chairman and members of the committee, this amendment is offered in good faith. This amendment is offered by the minority to improve this bill so that an American citizen who is interested in an immigrant seeking to enter our shores, upon the refusal of a consul to permit him to enter, or upon his refusal to visé a passport, shall have the right to appeal to the Secretary of Labor.

Now, gentlemen, the fundamental principles of our law have been such that we never deny any man the right of an appeal. By this amendment that is what we ask you now. We ask you in all sincerity and we ask you in all fairness to give us that amendment, because it will affect no one, it will not admit any undesirables, and it will not admit any additional persons into the United States outside of the quota you are going to fix to-day, but it will simply say that one who is denied admission shall have the right, by a properly designated person in the United States, to take an appeal and bring up the facts for review before the Labor Department.

Mr. NEWTON of Minnesota. Will the gentleman yield?

Mr. DICKSTEIN. Yes.

Mr. NEWTON of Minnesota. Will not the effect of the gentleman's amendment be this, that it will practically transplant every case that is turned down overseas to this country? Will not that be the case?

Mr. DICKSTEIN. I have more faith in the consuls than the gentleman has. I have faith in every consul we have abroad.

Mr. NEWTON of Minnesota. We both have faith in the consuls, but I have not the same confidence in the disappointed applicants that the gentleman has.

Mr. DICKSTEIN. I disregard them entirely.

Mr. JOHNSON of Washington. Will the gentleman yield?

Mr. DICKSTEIN. Yes.

Mr. JOHNSON of Washington. The danger of the amendment is that it will hold up all the rest of the applicants while these disputed cases sent to the United States are awaiting decision. There is that danger if there is a limitation on immigration.

Mr. SABATH. I think the gentleman is in error.

Mr. DICKSTEIN. One wrong does not make two rights, or whatever you may call it. The point of the matter is this: We have discussed it in committee and the sentiment of the committee was in favor of that provision.

Mr. VAILE. Will the gentleman yield?

Mr. DICKSTEIN. Yes.

Mr. VAILE. Are you going to make our Secretary of Labor a court of appeals for a half million aliens who have some dispute as to whether they are entitled to admission under the laws of the United States?

Mr. DICKSTEIN. Where does the gentleman get half a million?

Mr. VAILE. There will be a half million who will carry their appeals to him.

Mr. DICKSTEIN. You have been talking about millions all the week, but you do not know what you are talking about.

Mr. VAILE. Well, there will be at least 500,000 appeals.

Mr. SNYDER. Will the gentleman yield?

Mr. DICKSTEIN. Yes.

Mr. SNYDER. There has been some discussion about the immigrants being robbed in getting their visés. If the gentleman's amendment should prevail, the immigrants would not have money enough left to pay the $19 to get into the country, but they would use up all of their money on appeals.

Mr. DICKSTEIN. That is not the point.

Mr. SNYDER. But that is the point.

Mr. DICKSTEIN. What I am trying to ask the committee is to write in——

The CHAIRMAN. The time of the gentleman has expired.

Mr. DICKSTEIN. Mr. Chairman, I ask unanimous consent to proceed for one additional minute.

The CHAIRMAN. The gentleman from New York asks unanimous consent to proceed for one additional minute. Is there objection? [After a pause.] The Chair hears none.

Mr. DICKSTEIN. What I am asking the committee to do is to write in the law the principles of America as to the right of appeal.

Mr. SNYDER. But the gentleman knows that every one of these people who appealed would have to employ a lawyer.

Mr. DICKSTEIN. I do not agree with the gentleman. I am fixing regulations and I am placing those regulations within the authority of the Secretary of Labor.

Mr. SNYDER. And in that event you would have the United States paying for these appeals?

Mr. DICKSTEIN. Oh, no.

Mr. WATKINS. Will the gentleman yield?

Mr. DICKSTEIN. Yes.

Mr. WATKINS. As a matter of practicability, suppose 100,000 appealed, or, we will say, Italy has 3,500 people; suppose 3,500 Italians appealed; when are you going to let the 3,500 in under the quota?

The CHAIRMAN. The time of the gentleman has again expired.

Mr. WATKINS. The gentleman's amendment is absolutely impracticable.

Mr. DICKSTEIN. I would like to have the time to answer the gentleman.

Mr. CELLER and Mr. BUSBY rose.

The CHAIRMAN. Does the gentleman from California [Mr. RAKER], a member of the committee, desire recognition?

Mr. RAKER. The gentleman from Mississippi [Mr. BUSBY] desires to be recognized.

The CHAIRMAN. Is the gentleman from Mississippi opposed to the amendment?

Mr. BUSBY. Yes.

The CHAIRMAN. The gentleman from Mississippi is recognized.

Mr. BUSBY. Mr. Chairman and gentlemen of the committee, I was somewhat refreshed awhile ago to hear the gentleman from California rise on this floor and call your attention to America's interest in connection with this bill. The amendment which is before you now absolutely seeks to give the foreigner a status in the United States and a claim against our Government when that is absolutely impossible under the Constitution, according to the holdings of our Supreme Court.

Now, in connection with this immigration question, the thing which we ought to ask ourselves is whether or not it is necessary for America's interest for us to open the door to any extent to admit foreigners.

If it is not good for America's interest, we have no other interest to consider. A great deal has been said here about discrimination. What I have said with reference to this particular amendment applies just as well to the expression "discrimination." I take it that they mean when they say they have been discriminated against that we are robbing them of some rights that they possess.

Mr. VAILE. Will the gentleman yield?

Mr. BUSBY. I will.

Mr. VAILE. Is it not a fact that practically all the argument that has been heard on this floor against this measure has been buttressed on the theory that somebody outside of the United States has certain rights to come in here?

Mr. BUSBY. That is exactly the fact and that is what has so impressed me.

Mr. SABATH. I differ with the gentleman.

Mr. BUSBY. I decline to yield further just now. I will yield a little later.

Gentlemen, I want to call your attention to another thing which I do not believe has been mentioned. We hear a great deal about conserving our forests, conserving our oil suppl, and our coal supply, but not once have I heard any man on this floor raise his voice in behalf of conserving America for future generations. [Applause.] I stand firmly for that.

I want to call your attention to some things that I believe will be worth your consideration. Since 1880 the average increase for each decade of our people has been a little over 20 per cent. This increase runs in a compounding ratio. It has been suggested that America could comfortably and satisfactorily, without the crowding of her people, support about 300,000,000 people. At our present rate of increase of 20 per cent, how long will it take America to have 300,000,000 people? Did you ever stop to figure on that? I have gone into that proposition briefly. On a 20 per cent increase each 10 years, in 1930 we would have 129,000,000 people; in 1940, 155,000,000 people; in 1950, 187,000,000; in 1960, 224,000,000; in 1970, 269,000,000; and in 1980, 324,000,000.

Now, there are two things that have caused people to not multiply in great numbers on a natural basis. One is famine and the other is migration to some other country. Instead of our expecting either one of those things we are crying out here, by our actions, for other people to come into the country. We are almost recognizing rights in those people to set their feet upon the shores of America, and even claim a right to set their feet on the shores of America before they ever leave their country or sever their allegiance to their foreign government. I am against any such proposition.

An exhaustive and scholarly publication of the United States Census Bureau, "A Century of Population Growth, 1790–1900," contains a chapter on the races that made up the American population in 1790. The results were as follows, taking into consideration only the white populations, nationality as indicated: English 2,345,845, 83.5 per cent; Scotch 188,589, 6.7 per cent; German 156,457, 5.6 per cent; Dutch 56,623, 2 per cent; Irish 44,273, 1.6 per cent; French 13,384, 0.5 per cent; Hebrew 1,243, less than one-tenth of 1 per cent; all others 3,835, 0.1 per cent.

These are the peoples who made America what it was up to the year 1790. These peoples, the English, the Scotch, the German, the Dutch, the Irish, and French, all belonging to a single ethnological stock from northwestern Europe, formulated the foundation for the liberties now enjoyed in our great country.

We are now considering a subject which presents one of the great questions for solution by our Nation—the question of immigration. It has gown to be one of the problems about which there is universal concern. During a period of 100 years—from 1820 to 1920—more than 33,000,000 foreigners entered the United States. At the present time one-third of our population are foreign born or are the children of foreign-born parents. The number of foreigners who came to our shores increased from decade to decade until during the 10-year period of 1901 to 1910 we received 8,795,386 such people. For a number of years it has been apparent to the student of immigration that the United States must, if it is to preserve those ideals on which our Government was founded, enact legislation to control, select, and determine the number and kind of aliens who shall share the great privileges and benefits our country affords. It is only within recent years that we have had general immigration laws of any kind. However, under the law of nations it has always been conceded that our country had a right to object to another country dumping its criminal, pauper, and undesirable classes on our shores. The concern of our Nation with the problem that immigration presents dates back to the year 1798. In that year during the Irish rebellion many of its supporters had been cast into prison. It was believed that England intended sending these prisoners to America. Our ambassador to England, Rufus King, wrote the Duke of Portland of the British Government:

> I feel it to be a duty to my country to express to your grace my earnest wishes that the United States may be excepted from the countries to which the Irish state prisoners shall be permitted to retire.

To this letter the Duke of Portland replied:

> I can assure you with the most perfect confidence that the King will never permit any of the persons in question to set his foot in the territory of any state in amity with His Majesty by whom there is any reason to suppose that such a visitor would be objected to.

On further complaint of Mr. King the Duke of Portland wrote Lord Cornwallis, Lord Lieutenant of Ireland:

> That your excellency may have no doubts of the sentiment of the King's confidential servants upon the question generally of the right which one state possesses to transport its subjects into the territories of another, I am to inform you that we are clearly of opinion that no such right exists according to the law of nations, and consequently that His Majesty has not the power to banish any one of his subjects to the dominions of any other state or to authorize him to settle or land them there without the consent of the state having been first specifically obtained.

Even in the absence of a statute dealing with the subject it was early settled that by the principles of international law our country could control the class of immigrants admitted into our territory.

Indeed, the right of a nation to perpetuate its existence presupposes the right of that nation to say what foreign peoples shall come into its territory and what shall not.

> The right of self-preservation is the first law of nations as it is of the individual. A society which is not in a condition to repel aggression from without is wanting in its principal duty to the members of which it is composed and to the chief end of its institution. All means which do not affect the independence of other nations are lawful to this end. No nation has a right to prescribe to another what these means shall be or to require any account of her conduct in this respect. (Phillmore's International Law.)

All writers on international law agree on this principle. No foreign country has any right to complain because of the kind of immigration statutes enacted by us, however stringent these statutes may be. America belongs to Americans, and a foreign country which would presume to suggest what our immigration policy should be would be presumptuous indeed.

Calvo says:

> One of the essential rights inherent in sovereignty and the independence of States is that of self-preservation. This right is the first of all absolute or permanent rights and serves as a fundamental basis for a great number of accessory, secondary, or occasional rights; it constitutes, it may be said, the supreme law of nations as well as the most imperative duty of citizens, and a community which neglects the means to repel aggressions from without fails in its moral obligation to the members which compose it.

The duty of our Government to the people who compose it to meet and repel evils coming from other governments is absolute. It can make no difference whether these evil influences are war, destructive immigration, or whatever other thing it may be. It is beyond the power of the United States Government to shun this obligation. These powers can not be delegated, nor can they be surrendered by treaty. They are held in trust, to be exercised for the benefit of the people who granted them. Our Government has not failed to recognize this duty. Mr. Everett, Secretary of State, said in 1852:

> This Government could never give up the right of excluding foreigners whose presence they might deem a source of danger to the United States.

The Supreme Court has said:

> The power of exclusion of foreigners being an incident of sovereignty belonging to the Government of the United States, as a part of those sovereign powers delegated by the Constitution, the right to its exercise at any time when, in the judgment of the Government, the interest of the country requires it, can not be granted away or restrained on behalf of anyone. The powers of government are delegated in trust to the United States, and are incapable of transfer to any other parties. They can not be abandoned or surrendered, nor can their exercise be hampered, when needed for the public good, by any consideration of private interest. The exercise of these public trusts is not the subject of barter or contract. (130 U. S. 609.)

Mr. Foster, Secretary of State, said in 1893:

> The subject of conventional agreements to the power of self-preservation must be implied, for it can not be presumed that when governments contract with each other they will fail to take notice of the existence of so inherent a right of sovereignty and attempt to grant away that which, by the very nature of things, is incapable of being granted.

Our first immigration law was an act of Congress of March 3, 1875. It prohibited the immigration of aliens who were undergoing a sentence for conviction in their own country of felonious crimes and women imported for immoral purposes. In 1882 a broader law was enacted forbidding vessels to land aliens in this country who were convicts, lunatics, idiots, and so forth.

Our labor conditions became seriously affected by business interests which employed much labor, importing great numbers of aliens to work in mines, build railroads, and to perform various other kinds of services. In southeastern Europe and southwestern Asia organizations conducted a business of corralling persons who had been attracted through advertisements and delivering them en bloc under contract to employers of labor in America. For the sake of the profit to be extracted from them penniless laborers were gathered, dispatched, and cared for during their long journey to a destination on the other side of the globe as if they were so many cattle. The seller not only incited the peasant to migrate but took a mortgage on his home for the passage money or took the bond of some relative that the migrant would repay the passage money. These parties were through billed from their native village to some part of America. There they were met by a confederate of the shipper, who took them in charge and finally delivered them in this country to some one who had contracted with this organization for so much labor, or he would deliver these foreigners to some one who was recruiting labor on commission for a construction gang.

This condition our Congress attempted to remedy when it passed the act of 1885 forbidding the importation of labor under contract.

In 1891 Congress enacted a much broader immigration law, embodying in it all the features of former acts and greatly extending its terms to remedy other evils. In 1903 a still broader law was passed by Congress. This class of legislation was considered by almost every Congress from that time down to 1917, when the law containing the literacy test was passed over the President's veto. Then followed in 1921 the law fixing immigration on a percentage basis. We are now to consider a bill which changes the percentage basis for fixing immigration from 3 per cent, based on the census of 1910, to 2 per cent, based on the census of 1890.

The causes affecting immigration are mainly economic. In our own country the main considerations having weight with the intending immigrants, causing them to emigrate into the United States, have been (1) economic prosperity as against excessive population and poverty existing in many foreign countries; (2) political freedom which a republic affords as contrasted with oppression of monarchies; (3) religious freedom and equality guaranteed to all as compared with the disabilities under which many peoples are held; (4) class barriers and castes, which so largely prevail in many countries of the Old World. A great change in the racial composition of immigration and in the ideals of immigrants has taken place in recent years. In the beginning America was an unsettled wilderness filled with savages, dangers, and hardships. It served as a retreat for those who were of strong heart; a retreat for those who rather than surrender religious principles or ideals were willing to quit the shores of their nativity and face the dangers and uncertainties certain to be encountered on uncharted seas and in an unsettled land. High ideals were their prompting motives, and not commercialism and love of gain.

In those days came the Puritans, the Pilgrims, the Quakers, the Huguenots, the immediate ancestors of our forefathers who founded this Government. For the most part they were from northern and western Europe. Until 1850 more than four-fifths of our immigrants were from these sections. The situation gradually shifted; more and more peoples year by year coming from southeastern Europe and western Asia. In 1910 northern and western Europe, the source of our original stock, supplied only one-sixth of our immigrants. America for the most part is no longer sought except as a land of economic and commercial advantage. Hordes of people seek admittance who know nothing of the principles or ideals of our Government.

They bring their ideals and principles with them, and millions of foreigners never surrender their allegiance to foreign governments and become naturalized citizens. So mixed has our population become that national political parties have found it necessary to print their campaign literature in as many as 16 different languages. The so-called "hyphenated American" has become a familiar figure, because the World War has made native-born citizens take serious notice of the polyglot political situation. The activity of organizations of foreign elements in the campaign of 1916 is an idea of how dangerous to the national welfare the meddling of racial groups among the voters may become.

The first socialist parties in the United States were organized by German-Americans in the years following the Civil War. The red flag of the communist is not without standard bearers in America to-day. Violence and anarchism were first introduced into the American labor movement in the eighties by Johann Most and his associates, the greater number of whom, like Most himself, were of alien birth. The contemporaneous I. W. W. movement found its chief strength in the support of the migratory foreign-born laborer. To the immigrant must also be assigned the responsibility for the accelerated growth of political and industrial radicalism in this country. One writer has said:

> It is not fantastic to believe that during three centuries of history the immigrant elements in our population have not only profoundly influenced the culture, institutional, and material development of the United States but have also been largely responsible for diluting that precious essence which we call American idealism. The bold man falters when asked to define American idealism.

The last census shows that New England, the home of the Puritan, is to-day the home of a population of whom two-thirds were born in foreign lands or else had parents who were. Faneuil Hall, "The Cradle of Liberty," is a curiosity of bygone days left stranded on the shores of the Italian quarter. In 15 of the largest cities of the United States the foreign immigrants and their children outnumber the native whites. Alien racial elements are in the majority in 13 of the States of the Union.

The minority report filed on this bill states that approximately 280,000 of the 357,000 immigrants who came to the United States last year settled in the six States mentioned. These six States had the rest in foreign population. The report further says there is no complaint from these States because of this influx of immigrants. We would hardly look for the objection to come from this quarter. I have one county in my district which, according to the 1920 census, has only one foreign-born person. From this county I have received a petition from the citizens for me to support this bill. The objection comes not from the centers overcrowded with foreigners, but from the portion of the country where the unmixed Anglo-Saxon element is most solid.

Mr. Chairman, I ask for two additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Mississippi? [After a pause.] The Chair hears none.

Mr. BUSBY. I have asked for this short time in order to point out to you one other thing that perhaps has not been stressed.

The present day presents a most serious situation with regard to immigration because of the safety and facility with which man may change the place of his abode. Within the memory of men now living, conditions of the mass movement of peoples have been utterly revolutionized. In former times travel on the ocean was more or less hazardous. Ships sailed slowly, many weeks are often required to cross the ocean, danger from storms and other sources were not uncommon. Means of communication were poor. When an alien departed from his native shore to come to America he severed his connection forever with all his surroundings, friends, and relatives. He burned the bridges behind him, and thought of no allegiance to a foreign government. This is not true to-day. Travel by the modern ship is as safe as it is on land. Steam has supplied the place of sails, and a voyage can be made across the Atlantic in less time than a week. One vessel can carry thousands of people, as against a few hundred in former times. Fast international mails, ocean cables, wireless telegraphy, and radio make it possible to communicate with the most foreign points within an unbelievably short time. No part of the inhabited world is inaccessible to any other part. We demonstrated during the late war that it was possible for our country, even in the face of the impediments with which it had to contend, to transport as many as 300,000 people each month across to Europe.

The world has just come out of the Great War; never has there been such a state of general unrest. Who can imagine what the consequences would be to our country if the doors were thrown open to indiscriminate immigration? Europe is in a seething turmoil; China is overcrowded with her 400,000,000 people; Japan is anxious to gain a foothold on our western shore for commercial and other purposes. She shows herself restive in the presence of anything which savors of exclusion. The theory that America is a melting pot becomes absurd in a time when population rolls hither and thither about the globe like particles of quicksilver. It is impossible to pour muddy water into a clear stream and not affect its purity. Neither can alien peoples, with foreign ideals, bjases, languages, and ignorance, be poured into America without pro tanto affecting us.

Mr. Chairman, I am for the bill now before us for consideration. I wish that its terms were stronger. I believe we should save America for Americans, and hand our country down untarnished by foreign elements to our posterity. [Applause.]

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

Mr. McLAUGHLIN of Michigan. Mr. Chairman, a point of order has been reserved——

Mr. BANKHEAD. Mr. Chairman, I think we ought to have the regular order. A point of order has been reserved on this amendment.

Mr. McLAUGHLIN of Michigan. That was my inquiry. A point of order has been made and I demand the regular order.

The CHAIRMAN. The gentleman from California has reserved a point of order. Does the gentleman make the point of order?

Mr. RAKER. I make the point of order, Mr. Chairman.

The CHAIRMAN. The Chair overrules the point of order.

Mr. SCHAFER. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman from Wisconsin rise?

Mr. SCHAFER. Has the Chair ruled on the point of order?

The CHAIRMAN. The point of order has been overruled.

Mr. SCHAFER. Mr. Chairman. I move to strike out the last word.

Mr. Chairman and gentlemen of the House, I want to speak in favor of the amendment. I agree that without the amendment we will make provisions whereby the American consul will have arbitrary powers and such powers as have only been vested in the Czar and the former Kaiser of Germany. One of the preceding speakers has stated that it would give the alien the right to appeal before he entered this country. Under our immigration laws to-day, an alien has a right to appeal to the Secretary of Labor, if perchance he is turned down at the port of entry. Therefore, if it is right and lawful to grant him that right under the existing immigration laws, I think it would be just as proper and lawful and constitutional to grant him the right when he is over there. I want to have faith in all our Government officials, but granting there is no American consul who would use his high office to discriminate against an alien, what would happen if we had in some of these consular offices in the near future men of the caliber of some of the former public officials who have been exposed in recent investigations, especially Teapot Dome.

One gentleman has stated on the floor his version of discrimination. I differ with him. The bill is discriminatory—not that our Nation is discriminating against the foreigner, but discriminating as between the prospective immigrants of the different foreign nations. I think that this amendment should be incorporated in this immigration bill. I do not believe in vesting in any one person arbitrarily, the authority, perhaps to determine who shall come and who shall not unless provision is made for appeal from his decision. They talk about its being unconstitutional to grant the right of appeal. I think the Constitution has been stretched during the late war when our Government sent soldiers to Russia, whose immigrants are being discriminated against in this bill, when they sent our soldiers to fight side by side with the Czar's troops and the Russian Cossacks. I do not find any provision in the Constitution which authorized our soldiers to be sent to Russia, as they were, to fight side by side with the remnants of the Czar's autocracy and the Russian Cossacks.

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

Mr. JOHNSON of Washington. Mr. Chairman, I ask unanimous consent that all debate on this amendment close in five minutes.

Mr. CELLER. I object.

Mr. JOHNSON of Washington. Mr. Chairman, I move that all debate close in five minutes.

The CHAIRMAN. The gentleman from Washington moves that all debate on this amendment close in five minutes.

The question was taken, and the motion was agreed to.

Mr. BLANTON. Mr. Chairman, if this were an inherent right that foreign subjects should come to this country and not a mere privilege extended by us, I would be in favor of giving them an appeal to the Secretary of Labor, as proposed by the amendment.

Mr. CELLER. Will the gentleman yield?

Mr. BLANTON. No; I can not yield; I need my whole five minutes. But this is not an inherent right that they have; this is something that we are giving them. It is a special privilege that we are giving them. They have no inherent right to come here. It is so easy to get up and offer an amendment and not know what is going to be its results. Now, what would be one result of this amendment? You would have thousands of such appeals before the Secretary of Labor all the time.

Mr. DICKSTEIN. Will the gentleman yield?

Mr. BLANTON. No; I regret that I can not. I am not going to have my few minutes consumed by interruptions. After I state my objections to this amendment I will gladly yield. Why, you would have to have a bunch of lawyers down before the Secretary of Labor to represent the Government on these appeals that would outnumber the pay roll of the present great army of lawyers in the Department of Justice. You would have to have a horde of them employed all the time. That is what the amendment would cause in the way of added expenses. I am not in favor of it, and I do not believe any member of the committee is in favor of it except perhaps the two who have signed the minority views. Now I will yield to the gentleman from New York.

Mr. CELLER. Has the gentleman read Pierce's report on the Consular Service?

Mr. BLANTON. No; and, so far as this amendment is concerned, I do not care anything about that report.

Mr. CELLER. Does the gentleman know that a consul in South America is charged with having accepted bribes for passports?

Mr. BLANTON. If he did, he ought to be in the penitentiary. I am presuming that the American consuls will do their duty, and, if they do not, I am presuming that we will have an administration that will kick them out of office and properly punish them for any crimes they commit. Now I will yield to the gentleman from New York [Mr. DICKSTEIN].

Mr. DICKSTEIN. Under the proposed amendment you do not increase your quota, but when the Secretary of State in his own opinion finds merit in the applicant and that he has a right to come in he will give him a visé.

Mr. BLANTON. How many such appeals does the gentleman think would accumulate in a year? I want to say that there could be 100,000 of them.

Mr. DICKSTEIN. Suppose the gentleman had a sister abroad and she was denied a visé, does not the gentleman think she ought to have a right to go before the Secretary of State and file an appeal and have that determined?

Mr. BLANTON. No, I do not. If I were a foreigner, and the Government had been good enough to let me come in and the Government decided thereafter that my sister did not have a right to come in I should say that the Government nevertheless was a good Government in letting me come in, because it was a privilege extended that it did not have to extend. [Laughter and applause.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York.

The question was taken, and the amendment was rejected.

Mr. PERLMAN. Mr. Chairman, I offer the following amendment.

The Clerk read, as follows:

Amendment by Mr. PERLMAN: On page 2, line 21, after the word "exceeding" strike out the word "two" and insert in lieu thereof the word "four."

Mr. PERLMAN. Mr. Chairman, some of the proponents of this measure have wrapped the American flag about themselves and have shouted "America" as an argument for this bill. Let me say to these gentlemen that there is not a man in the House against this bill who is not a good American. Our concern is not only for the desirable immigrants but rather because if the 1890 census is adopted as a basis for immigration quotas there will be established by law a principle that in the United States citizens who may have been born in southern or eastern Europe, or whose ancestors may have been born there, are inferior to those citizens who were, or whose ancestors were, born in northern and western Europe. We say that such a principle or any such law is un-American. We claim further that no immigrant has any claim to America, and likewise that no class or race of people in this country has any greater right than has another class or race of people in the United States.

The amendment which I have offered amends subdivision c of section 2, which provides that immigration certificates shall be valid for only two months. In the last section of the bill there is provided that immigration certificates may be issued prior to July 1, 1924, which means that if this law is passed before the 1st of May immigration certificates may be issued on the 1st of May or at any time before July 1, 1924. These certificates will not be valid at all, because since they can not be used by the 1st of July, the new quota law will not be operative until July 1, 1924. Here is another point. Your certificate plan will insure to the immigrant that he need not break up his home until he gets his certificate. He will not make preparations to go to America, for travel, until he gets

his certificate. You give him only 60 days after he gets the certificate during which to sell his effects, secure his passage to America, and board the steamer.

Mr. VAILE. Does not the gentleman think his amendment should properly come in the last section of the bill so as to make certificates issued prior to July 1 have their validity start from that date?

Mr. PERLMAN. I think that it should come here for two reasons. First, that you may issue these certificates before on the 1st of May or at any time before July 1, 1924. These grants may start coming here, and, second, to cover the situation where a certificate is issued after July 1, 1924, and then the immigrant and his family arranges to come here. It will take some time after the immigrant receives his certificate for him to get steamship accommodations, and it may take him more than 60 days to board the steamship. Give the immigrant a chance to come here. Let him have at least four months. I may say that I understand the Senate committee has agreed that the certificates should be valid for four months and not for two months. It gives the immigrant an opportunity to come here and does not invalidate his certificate until four months after it is issued. I hope this amendment will be adopted.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York.

The question was taken; and on a division (demanded by Mr. PERLMAN) there were—ayes 25, noes 69.

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

The CHAIRMAN. The gentleman from New York makes the point of order that there is no quorum present. The Chair will count. [After counting.] One hundred and twenty-eight Members present, a quorum.

So the amendment was rejected.

Mr. ASWELL. Mr. Chairman, I offer the following amendment which I send to the desk.

The Clerk read as follows:

Page 3, lines 8 to 24, strike out all of subdivision (d) of section 2 and insert in lieu thereof the following:

"(d) A passport or other instrument in the nature of a passport issued by any foreign Government shall not be required of an immigrant for any purpose under the immigration law."

Mr. ASWELL. Mr. Chairman, the purpose of this amendment is to make the bill, if enacted into law, workable. It was my personal information, discussing the situation with the heads of 10 central European Governments, that they are deliberately and openly, and they think rightly, refusing passports to any of their people who are good citizens. They are permitting only those who are undesirable in their midst to secure passports to come to the United States.

Mr. DICKSTEIN. Mr. Chairman, will he gentleman yield?

Mr. ASWELL. In a moment. It is clearly my judgment that the control of the immigrant to the United States should be in the hands of this Government and not in the hands of any other Government. [Applause.] It is my candid judgment that if you will put this provision in, doing away with all passports and permitting the immigrants to come to this country upon the immigrant certificate issued by the American consul, you will have control of the situation, and you will handle it effectively and efficiently for this Government and not for the governments who want to get rid of their undesirables. You will handle it in the interest of the American people and of this Republic and not in the interest of alien sympathizers who are in our midst and on the other side.

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

Mr. ASWELL. I can not yield. If I had my way, I would strike out of this bill the words "nonimmigrant" and I would confine the number of immigrants that come to this country to the 2 per cent and not permit all these rat holes and exceptions. I would hold them down to 2 per cent, giving preference to families, and I would appoint a board to look after the administration of the bill and let that board select the immigrants in proportion to the needs of America and not according to the wishes of undesirables on the other side. That would be my proposal, and I ask that this amendment I now offer be adopted so as to cut out the passports from the foreign governments and let this Government be responsible for our future, for the character and quality of our people in the years to come. Let the board decide whether this or that applicant should be admitted and not depend upon a foreign government that will not give a passport to a good citizen.

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

Mr. BLACK of Texas. Mr. Chairman and gentlemen of the House, in many respects the problem of restricting foreign immigration is the most important problem before the American Congress. Important because it affects not only the present generation but is of vital concern to generations yet unborn. If the stream of foreign immigration which has been pouring into the United States for the last 15 years, amounting to the enormous total of 10,000,000 people, is not definitely checked, it will bring serious social, economic, and political disaster to the Republic. We had better deal with the situation and deal with it vigorously before it is yet too late.

This is the third restrictive immigration bill which has been passed by Congress since I became a Member. Each one more rigid in its restrictive provisions than the one which went before it. The first of these bills was enacted in 1917. I voted for it. After the bill had passed the House and Senate, it was vetoed by the President. A similar bill had been vetoed by President Taft, but in his administration there was not a sufficient number of Members of the House and Senate favorable to the legislation to pass it over his veto. In 1917, however, the advocates of restrictive immigration had grown to sufficient numbers in the House and Senate to pass it over the President's veto, and it was done by a vote of 287 to 106 in the House, and a vote of 62 to 19 in the Senate. I was one of the 287 voting in the House to pass the bill over the President's veto. I have never for a moment doubted the wisdom of my vote on that occasion. This act of 1917 remained the law until it was supplemented by the act of 1921.

During the war and for the first year thereafter there was very little immigration, but by 1920 the tide had begun to flow again, and it was plain that the most elementary considerations of self-preservation demanded that we impose additional and more drastic restrictions upon it. So the act of 1921 was passed. As an evidence of the growth in sentiment among the people in favor of these additional restrictions, it may be cited that the act of 1921 passed the House by a vote of 276 to 33, and passed the Senate by a vote of 78 to 1. I was one of the 276 who voted for it in the House. This act of 1921 fixed the quota at 3 per cent admissible in any one year and based the quota upon the census of 1910. The act expires on June 30, 1924, and unless Congress enacts something in its place, then, at the expiration of that date, there will be no quota limitation, and we will again be subjected to an avalanche of immigration which the American people do not need and do not want.

This bill was introduced by Representative ALBERT JOHNSON, of the State of Washington, and is therefore known as the Johnson bill. Its principal features are: Preserves the basic immigration law of 1917; retains the principle of numerical limitation as inaugurated in the act of May 19, 1921; changes the quota basis from the census of 1910 to the census of 1890; reduces the quota admissible in any one year from 3 to 2 per cent; provides a method of selection of immigrants at the source rather than to permit them to come to this country and land at the immigration stations without previous inspection; reduces classes of exempted aliens; places the burden of proof on the alien to show that he is admissible under the immigration laws rather than upon the United States to show that he is not admissible; provides entire and absolute exclusion of those who are not eligible to become naturalized citizens under our naturalization laws.

Altogether this Johnson bill represents the most advanced, intelligent, and constructive effort to deal with this great problem which has yet been made by Congress. It should receive the approval of an overwhelming majority of our membership, and I am certain will be indorsed by the country at large.

One of the well-recognized laws of diet and hygiene is that the human body only profits from the eating of such foods and in such amounts as it can assimilate. I do not think the rule is different as to immigrants. The United States will only profit from such immigration as it can assimilate or, as some frequently put it, can Americanize. When I read some time ago of the shipload of aliens that was deported back to Russia, including those two anarchists, Emma Goldman and Alexander Berkman, I thought of the youngster who attended a picnic and ate a liberal supply of victuals and later on in the day his mother saw him standing around with a woe-begone look and said, "Son, what's the matter? Haven't you had enough to eat?" "Oh, yes'm," said the boy, "I've had enough, I feel as though I don't want all I've got."

So, gentlemen, it seems to me that the United States is not suffering from any lack of foreign immigration. The main trouble is we do not want all we have got.

IMMIGRATION RESTRICTION DOES NOT SIGNIFY RACIAL HATE

I do not advocate a policy of rigid immigration restriction because I entertain in my heart any element of racial prejudice

or hate against any nation of people in the world. I harbor no such feeling. I am anxious to see every nation, kindred, and tongue to earth's remotest bounds climb the ladder of success and improve their standards of living, health, and moral welfare. I would like to see ill feeling and distrust and sectional animosities vanish from the face of the earth. Such a consummation is the Utopia to which we all would look with longing eyes and fond desire. I would like to see the United States of America play the largest possible part toward the achievement of a better feeling and a more perfect understanding among the nations, but we do not have to sacrifice any of our national aspirations and desires in order to play this useful part in the world's affairs. In fact, the more we would allow our cherished institutions, builded and established by generations of Anglo-Saxon blood, to be undermined and destroyed by an inundation of immigrant masses, either hostile to those institutions or unable to understand them, the less we would be able to contribute to the onward march of humanity.

The very best service we can render to the world, and the largest contribution we can possibly make to the sum and total of human happiness, is to keep our country a land of improving standards of living, of cleaner moral perceptions, of more robust physical and mental health, and of finer ideals of government. We can not do this if we are careless and indifferent about the elements which make up our composite citizenship. There are two outstanding considerations which make restriction of immigration imperative. There may be other reasons, but these two impress me most. They are—

First. Protection of American standards of living for American labor against the demoralization which would result from unrestricted immigration.

Second. Protection of American Government and American institutions against the imperfect and distorted ideas of those who have never been trained to self-government and who have but little understanding of its true meaning and significance.

These reasons not only satisfy me as to the correctness of my vote in favor of this bill but they go further than that—they make it my imperative duty to vote for it.

PROTECTION OF AMERICAN LABOR

Nowhere else in the world are wages as high and living conditions as good as in the United States of America. Some time ago Mr. Frank Hodges, secretary of the British Federation of Miners, made a visit to the United States, and upon his return to Great Britain he wrote an article for publication in the United Mine Workers Journal of America, published at Indianapolis, Ind., and it is a very interesting article, and among other things he says:

> Prosperity abounds in the United States as compared with Europe. The standard of living among the workers in the United States is the highest I have ever seen.

Now, of course, conditions are far from being perfect in this country, as, indeed, they will be under any system of government ever devised by man. And the good things which we as a nation and people enjoy should not dampen our ardor or cool our zeal for the attainment of better things. Our efforts should be to constantly improve conditions and help the lot of the average man. But, while giving full force and effect to that statement, the fact remains that in average per capita wealth, in wages, and in living conditions the United States leads the world, and we want to keep it that way. We want to prevent any lowering of these standards.

It is a very shortsighted policy for certain large business interests in the United States to advocate lax immigration laws to get cheap labor. It is sowing to the wind, to afterwards reap the whirlwind. Capital in the long run can only prosper in the truest and best sense by doing full justice to labor. And while a temporary advantage might be gained in the way of larger profits by beating down wages and lowering the American standards of living through a wholesale and unrestricted foreign immigration, yet the results in the end would be disastrous. Radicalism and discontent would stalk abroad and would fasten their tentacles to the vitals of American business and commerce and, Samsonlike, would pull down the pillars of our whole economic structure on our heads.

If I were a business man of large affairs, I would not want to do a better thing than to contribute all the intelligence and effort I could to obtain a prosperous and contented labor personnel, enjoying American standards of living and interested in improving their condition. It should be said to the credit of American business men in general that comparatively little effort is now being made on their part to open up the floodgates of immigration. There are some who are still so selfish and shortsighted as to advocate that foolish policy. But most of them, either through a broader and better and more sympathetic understanding of the problems of labor or through fear of the radical menace have changed their attitude and are now advocating restrictive immigration. I am glad they have changed, and I trust their example will be emulated by every employer of labor in America.

PROTECTION TO THE AMERICAN GOVERNMENT

And in the last place, we need restrictive immigration laws to safeguard the very citadel of our Government itself. The liberties which we enjoy come to us in such a matter-of-fact way that we are apt to undervalue the treasures which we possess. Our liberty we inherit from the fathers who by their blood and sacrifice established this Republic upon the twin foundations of freedom and justice. It is our duty to preserve and protect it, and as heirs to whom has been bequeathed a goodly heritage to hand these blessings on down to the generations which shall follow us.

I heard the lamented Speaker Champ Clark say upon one occasion that "The very essence of our American form of Government is found in two documents—the Declaration of Independence and the Constitution of the United States." Of course, there was nothing new in that statement, and yet, coming as it did from a man of his long experience in public life and his unquestioned ability, it made a lasting impression upon me.

Upon one occasion a lawyer came to the Savior and said:

> Master, which is the greatest commandment in the law?

And Jesus answered and said:

> Thou shalt love the Lord thy God with all thy heart and with all thy soul and with all thy mind. This is the first and greatest commandment, and the second is like unto it. Thou shalt love thy neighbor as thyself; and upon these two—

He said—

> hang all of the law and the prophets.

Does anyone dispute it? Take out of the Bible these two commandments and that which clusters around them and there would be but little left in the Book. The whole life of Jesus and His wonderful teachings were based upon these two commandments, and it was these which He had in mind when He said:

> I came not to destroy the law but to fulfill it.

Likewise upon the Constitution of the United States and the Declaration of Independence rest our whole system of laws and structure of Government. If ever in an evil hour, either through motives of indifference or considerations of expediency, we cast them aside, then our whole system of laws and structure of government will be imperiled.

Mr. Chairman, at this very time there are many strange and radical doctrines abroad in the land and which are being preached and propagandered from one end of our country to the other. Some of these doctrines challenge the very foundation and citadel of our Government, and the boldness with which they are uttered and the systematic vigor with which they are preached will not permit of their being ignored. We must prepare to combat them, to demonstrate their absurdity, and point out their destructiveness. The influx of certain foreign immigration to our shores during the last 20 years or more has brought to us many of the unwholesome and vicious doctrines of the Old World, which have grown up there in an atmosphere of poverty, ignorance, and oppression, and these have received an added impetus by the present Russian experiment in communism, an experiment which promises to be the greatest tragedy in history, not excepting the French Revolution. These agitators, who are variously named, such as the I. W. W.'s, communists, socialists of the left, syndicalists, and so forth, are all going in the same direction and have their roots in foreign soil, and their end is destruction. They freely talk about the dictatorship of the proletariat and the establishment of their system of communist control of all property, which the experience of the world has discredited over and over again through the period of a thousand years. Failing to convince us of the merits of their vagaries by argument, some of them at times are foolish enough to think they can force them upon us by a reign of violence and terrorism. But in this they sadly mistake the temper of the American people. Our people are patient and long-suffering in their indulgence, but when aroused they are swift and certain in the execution of their judgments. One of the judgments which they have commanded us, as their representatives, to execute is to speedily put into effect this Johnson restrictive immigration bill.

NO PLACE FOR MEN WHO ADVOCATE DICTATORSHIP

This country has no place for any man or set of men who advocate the overthrow of our Government and the establishment of a dictatorship, whether that dictatorship is to be of the proletariat or whether it is to be of the plutocracy.

We have room for the man with an honest dream,
With his heart on fire and his eyes agleam;
We have room for the man with a purpose true,
Who comes to our shores to start life anew;
But we haven't an inch of space for him
Who comes to plot against life and limb.

We have room for the man who will learn our ways,
Who will stand by our flag in its troubled days;
We have room for the man who will till the soil,
Who will give his hands to a fair day's toil;
But we haven't an inch of space to spare
For the breeder of hatred and black despair.

Dictatorship? No; this country will never tolerate a dictatorship of any kind. Our ideal is that of a representative democracy, where every citizen is a sovereign and where the man of humble circumstances and the man of large means meet at the ballot box on terms of equality and the voice of one is as potent as the other. Yes; but says some one, "Elections have not always been clean and the voice of wealth and privilege has often been heard in the corruption of the electorate and the vote of the honest man has been stifled by the ballot of the vicious and dishonest." Quite true; that has sometimes happened, but it does not follow in the least that the principle of our representative democracy is unsound. Slowly but surely we are weeding out the corrupt element in American politics. And we will not stop until every corrupt element, high or low, is driven out of politics, so that the expression of the ballot will be clean and free from fraud and corruption, and, equally as important, from intimation and coercion. And let all the world be assured that America, the cradle of liberty, the world's best example of representative democracy, will have none of the dictatorship of the proletariat or any other kind of despotism by a particular class or group, either domestic or foreign.

We should always bear in mind that it takes ability and genius to construct, but that any fool can tear down and destroy. It took the genius of a Raphael to paint the Sistine Madonna and of a Michelangelo to create with his wonderful imagination the scenes of The Last Judgment. It took the ability of Phidias to adorn the city of Athens with his sculptures and the matchless oratory of Demosthenes to charm the people with his eloquence, but a man of very ordinary ability or with no ability at all, as for that matter, can tear down and destroy what it took them a lifetime to build and construct. It took ability of the very highest order to write our Constitution and frame our system of laws, and we had better be mighty careful how we allow some of these high-brow socialists and parlor Bolsheviks with foreign ideas and conceptions to experiment with it.

Of course I know our Government and the civilization which has grown up under it are not perfect. The home can no doubt much improve the sacredness of its altars. The church can no doubt increase its usefulness a thousandfold, and our Government itself can extend its sphere of influence in many helpful ways, but these improvements will not come at the hands of the man who hurls the cynic's ban or who arrays himself in hostile attitude against our Constitution and system of laws, but will be the product of those who are in thorough sympathy and accord with the best American history and traditions.

WE MUST EDUCATE OUR YOUTH IN THE FUNDAMENTALS OF DEMOCRACY

To keep our representative Government free from the dangerous stream of anarchy and disorder from without and free from fraud and corruption from within is one of the responsibilities that is now upon the present generation. In the discharge of this responsibility we can do no better thing than to educate our youth in the fundamentals of democracy, so that they may learn allegiance to the faith of our fathers, a holy faith which they translated by blood and sacrifice into liberty and justice under the dominion of law and order.

Often we can best have the proper appreciation of a thing if we pause to think what our condition would be if we had to do without it. Take the air that we breathe. We take but little thought of that, and yet deprive it of its life-giving oxygen and we would all soon sicken and die. Take the sparkling water that we drink. We take but little thought of that; yet pollute it with the germs of disease and decay and it will sow the seeds of death in everyone that drinks it. Take the brilliant sunshine, which drives away the darkness of the night and envelops a sleeping world in glorious light. We take but little thought of that. We get up, rub our sleepy eyes, and go on our way; and yet shut us up in a darkened cell where its rays can not penetrate and we would all soon sicken and die. And just as it would be impossible for the physical man to live without the pure air and the clear water and the bright sunshine, just so would it be impossible for the citizen to enjoy life, liberty, and property and the pursuit of happiness without the protecting arm of a strong, well-organized government.

Those who denounce and abuse our Constitution and form of government, and who would, if they could, overthrow it and set up a reign of tyranny and disorder little realize that they would be the worst victims of their own insane folly. No one in Russia to-day is suffering more than the poor peasants who but a few years ago proclaimed Lenin and Trotski as their deliverers and fell eagerly into their schemes of property looting and class exploitation.

The men who would cut away and destroy the Constitution as a protecting shield to the people of the United States would be the worst victims of their own folly. For more than a hundred years it has rung true in every storm and crisis, and has protected us from the despotism of the autocrat as well as the tyranny of the mob; and faded will be the glory of the country and dim the majesty of its laws whenever the humblest citizen of the land will not be able to retire to his citadel and say: This is my castle, and my family and I are safe. I am an American citizen and I invoke the protection of the Constitution and its law.

That is the kind of Government our fathers founded, and I am going to do the best I can to help hand it down unimpaired to my children and my neighbor's children. As one of the means to that end I have voted, and I shall continue to vote, for rigid restriction of immigration and careful selection of those who do come. It is a thing which has been too long neglected. There should be no further postponement. The time to act is now.

Mr. JOHNSON of Washington. Mr. Chairman, I desire to move that debate on this amendment and all amendments thereto close.

Mr. LAGUARDIA. I desire to be heard on this amendment.

Mr. JOHNSON of Washington. I will withdraw the motion and move that debate on this amendment close in five minutes.

Mr. LAGUARDIA. I desire to be heard on this amendment.

The CHAIRMAN. The motion is not debatable. The gentleman from Washington moves that all debate on this amendment close in five minutes.

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

On a division (demanded by Mr. LAGUARDIA) there were—ayes 81, noes 21.

So the motion was agreed to.

Mr. SABATH. Mr. Chairman, I hope in the future when we have a very important amendment pending that the chairman of the committee will not deprive Members who desire to speak to the amendments that are actually of great importance to our country of that opportunity but that some time will be given to them. Contrary to the views of some of my friends on the other side and some of the rabid restrictionists on this, I want to say that I agree with the gentleman from Texas [Mr. BLACK], who preceded me, and with the gentleman from Louisiana [Mr. ASWELL]. I agree with him, and I am heart and soul for his amendment. His amendment will do this: It will stop the foreign governments from saying who can come to the United States and gives us the right to say who shall be admitted. Under the provisions of the bill no one can come unless he first secures a passport of the government of which he is a member. By adopting the amendment no one will be able to come but a man who will receive from the United States official an immigration certificate that he is a man in good standing, that he complies with all the provisions of our law, and that he can be admitted under the immigration act of 1917 as well as under this act. When he receives that immigration certificate, and not until then, can he be admitted. Then he will be subject to examination in Ellis Island or the port of entry. For that reason I believe, if we desire and if we are sincere in protecting the rights of our country, we should adopt the amendment of the gentleman from Louisiana and thereby protect ourselves against any undesirables who may desire to come or who wish to come.

I again repeat to those rabid restrictionists that I am not viewing this legislation from the immigrant's point of view, that I have been viewing it from the American point of view—what is for the best interest of America and America's institutions. I believe that the amendment offered by the gentle-

man from Louisiana is in the right direction and it should be adopted.

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

Mr. SABATH. I will yield.

Mr. RATHBONE. Then if the amendment were adopted and had a good effect on this side of the ocean, how could it prevent foreign governments from still exercising pressure and preclude people who were desirable immigrants from coming over here? That is to me the principal question.

Mr. SABATH. We can not control the action of foreign governments and ordinarily we do not wish to control the action of foreign governments, but what I am interested in is to protect our own United States and our own institutions.

Mr. RATHBONE. I did not know but what some method might be devised by treaty or otherwise to prevent foreign governments from exercising that discrimination on their side of the ocean.

Mr. SABATH. Well, we might have that now if we adopt this amendment that the gentleman from Louisiana has offered.

The CHAIRMAN. The time of the gentleman has expired. All time has expired. The question is on agreeing to the amendment offered by the gentleman from Louisiana.

The question was taken, and the Chair announced that the Chair was in doubt.

On a division there were—ayes 31, noes 48.

So the amendment was rejected.

The Clerk read as follows:

DEFINITION OF "IMMIGRANT"

SEC. 3. When used in this act the term "immigrant" means any alien departing from any place outside the United States destined for the United States, except (1) a government official, his family, attendants, servants, and employees; (2) an alien visiting the United States as a tourist or temporarily for business or pleasure; (3) an alien in continuous transit through the United States; (4) an alien lawfully admitted to the United States who later goes in transit from one part of the United States to another through foreign contiguous territory; (5) a bona fide alien seaman serving as such on a vessel arriving at a port of the United States and seeking to enter temporarily the United States solely in the pursuit of his calling as a seaman; and (6) an alien entitled to enter the United States solely to carry on trade under and in pursuance of the provisions of a present existing treaty of commerce and navigation.

Mr. VESTAL. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 5, at the end of section 3, in line 22, insert: "(7) an immigrant previously lawfully admitted to the United States who is returning from a temporary visit abroad."

Mr. VESTAL. Mr. Chairman, I am offering this amendment and I think it is only fair to say that if this amendment is adopted I propose to offer an amendment striking out section 4. I do not care to take a great deal of time in discussing this proposition now, but my judgment is that we ought not in any immigration law to have nonquotas. Now, it is not a question of the number, but if you fix the restriction at 2 per cent we ought to have 2 per cent, just as the gentleman from Louisiana has stated. Every immigrant who comes in under this immigration law ought to be counted. There ought not to be any nonquota immigrants.

Mr. CABLE. Will the gentleman yield?

Mr. VESTAL. In just a moment. I propose to offer, if this amendment should carry, in lieu of section 4 another section which will give preference to (a) under section 4.

As to "an immigrant who is the unmarried child under 18 years of age, father or mother over 55 years of age, husband, or wife of a citizen of the United States who resides therein at the time of the filing of a petition," of course, I think they ought to have the preference when it comes to permitting immigrants to come to this country, but I do not believe that they ought to be allowed to come without being counted. I think they ought to be counted in the quota, and for that reason I think we ought to strike out absolutely section 4.

Now, there is another reason for striking out section 4 that I want to go on record upon. You talk a great deal about closing the front door against undesirable immigrants. What is the use in closing the front door to keep out the undesirables from Europe when you permit Mexicans to come in here by the back door by thousands and thousands? In the city of Gary, Ind., right now, in the great steel industry, there are thousands of Mexicans crowded in together and standing at the doors waiting to get places in the factories, the places of those who are now on the job. It seems to me if we are going to have an immigration law the Mexican ought not to be put before the Italian, such as my good friend here, who is a citizen of the United States. Yet you propose in this bill to close the front door and permit only a few Italians and a few people on the other side to come in, while you are leaving the back door wide open to these people from Mexico. I believe we should treat them all alike and make the quota apply to Mexico.

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

Mr. VESTAL. Yes.

Mr. WATKINS. The gentleman must remember that the act of 1917 is still in effect, and this is in addition to that, and that act, properly enforced, would cut out 98 per cent of the Mexicans, so that the back door is not left open.

Mr. VESTAL. I will say to the gentleman that in the main he is right, if we can enforce the law. If we have enough money and enough people on the Mexican border to properly patrol it to keep these people out, or, in other words, enforce the law, it is all right. But the way they are coming in here now is a shame.

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

Mr. VESTAL. Yes.

Mr. LAGUARDIA. Does the gentleman know that the Mexicans are permitted to come because the big employers can get the Mexicans to work for 75 cents a day?

Mr. VESTAL. This particular amendment ought to be adopted. I do not see why, even if you are going to keep the nonquotas in, you should want to include as a nonquota immigrant a person previously lawfully admitted to the United States and is returning from a visit. I think that ought to be an exception instead of being placed among the nonquotas, even if you keep the nonquotas.

Mr. JOHNSON of Washington. Mr. Chairman, I rise in opposition to the amendment.

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

Mr. JOHNSON of Washington. I hope the amendment just offered, which leads to doing away with the nonquota immigrants, will not be adopted. Your committee has spent a great deal of time on these provisions. If you do not have some of the nonquota-immigrant provisions, you will have some of the trouble that we have under the present law, which makes some immigrants either quota or nonquota, some countable or not. Thus, a minister under the present quota law may be counted if the quota is open, and then comes without being counted if the quota is exhausted. That has resulted in a man who ought to be exempted all the way through being counted at the point of entry, to the detriment of a man standing by his side, who is sent back as in excess of the quota. To continue this would be a mistake. In the nonquota clause we permit an alien here either with first papers or without. He can go out for a year. He can not get a passport from his own country or a passport from the other country. This is not really a passport, but a traveling permit, and in a way it seeks to let him know that he can come back. We do not want to set him up against a quota limit. We give him the right to come back under certain conditions.

Now, as to the Mexican-border situation; you have had read here the partial plan requiring a certificate and examination there; and, my friends, I beg to assure you that the Mexican laborer of the kind that is being brought in here now in violation of the contract labor law will not be able to do much with the questionnaire. You will not be bothered much with Mexican cheap labor if this bill is passed.

Mr. VAILE. If we had sufficient means to enforce the immigration laws, the mass of the Mexicans would be kept out on account of their illiteracy?

Mr. JOHNSON of Washington. Yes; quite so.

Mr. PERKINS. Why are they permitted to come in?

Mr. JOHNSON of Washington. Because they have violated the labor laws by dealing with agents in Texas cities who go down into Mexico, and the head taxes are paid for them. If a Mexican can read and he is healthy he is allowed to come in, apparently qualifying under the act of 1917. If this bill passes, we have some additional deportation clauses in it, and with them we think we can clean up and send back all those who have come in contrary to law, even if they have paid head tax.

Mr. MILLER of Washington. Mr. Chairman, will the gentleman yield?

Mr. JOHNSON of Washington. Yes.

Mr. MILLER of Washington. An immigrant from Mexico or Canada can be admitted provided he has spent 10 years continuously preceding the time of his admission in the Dominion of Canada or in Mexico?

Mr. JOHNSON of Washington. Yes; he can be admitted.

Mr. MILLER of Washington. What is the philosophy of letting a man go to Mexico or Canada, however undesirable he may be from the citizenship standpoint, and after he has resided in either of those countries for 10 years letting him come in?

Mr. JOHNSON of Washington. For the reason that the old 1917 act added one year, and certain conditions which could be fulfilled on the Canadian border, and certain conditions which could not be fulfilled on the Mexican border, and ships have been dumping European aliens into contiguous territory.

Mr. BOX. Is it not true that one coming from Mexico under that provision would be subject to all the selective tests?

Mr. JOHNSON of Washington. That is true.

Mr. MILLER of Washington. What kind of a line will the authorities have on the sort of a citizen this man has been during his 10 years' stay in Mexico?

Mr. JOHNSON of Washington. He may have come from Switzerland.

Mr. MILLER of Washington. Or he may have come from some other place.

Mr. JOHNSON of Washington. He may have come from any place under the sun. This detains him, if his ultimate destination is the United States, for 10 years in Mexico. If this law stands for the whole 10 years, and he has stuck it out for 10 years, he could come in under the restrictions then provided or under the tests we now provide.

Mr. MILLER of Washington. The gentleman from Texas [Mr. BOX] says he must be examined.

Mr. JOHNSON of Washington. Yes; and he must have a quota certificate.

Mr. RAKER. Mr. Chairman, may I just call the committee's attention to the amendment offered by the gentleman from Indiana [Mr. VESTAL]. I am sure the gentleman from Indiana has not given this bill the usual careful consideration that he gives other matters.

Under the amendment he proposes a man returning from a trip abroad could come in without a passport or without any consideration on earth. We would throw the doors open and permit them to come back whenever they wanted to do so.

Now, I want to call your attention to the fact that we place those in subdivision (b) of section 4, on page 6:

> An immigrant previously lawfully admitted to the United States, who is returning from a temporary visit abroad—

May be admitted how? Turn to page 13 and you will find that a certificate is required; that a record is required; and that something is required in advance of the immigrant's leaving the United States and intending to come back to the United States. He can not get a passport from his own country and, therefore, we require something from him before he returns, and that something is issued by our own officers. So we keep track of those who leave, and then those who claim they are departing with the intention of returning simply have to show they have been abroad temporarily. The committee gave that subject—with all the departments before it—every consideration possible for the purpose of protecting this country.

Mr. GILBERT and Mr. LAGUARDIA rose.

The CHAIRMAN (Mr. TILSON). The gentleman from New York [Mr. LAGUARDIA] is recognized.

Mr. LAGUARDIA. Mr. Chairman, this is an instance in which I can agree with the committee. [Applause.] I hope the amendment of the gentleman from Indiana will be voted down.

Now, gentlemen, this is not my first day in this House. I have gone through some very heated debates on other questions, and I fail to see why it is necessary for those who differ with some of us on this bill to charge us with any improper motive.

Mr. VINSON of Kentucky. Mr. Chairman, I rise to a point of order.

Mr. LAGUARDIA. I did not raise a point of order on the gentleman.

The CHAIRMAN. The gentleman from Kentucky will state it.

Mr. VINSON of Kentucky. The gentleman is not addressing himself to the amendment.

The CHAIRMAN. The gentleman has hardly proceeded far enough for the Chair to ascertain whether the gentleman is addressing himself to the amendment. The gentleman will proceed in order.

Mr. LAGUARDIA. It comes with very bad grace for the young gentleman from Kentucky as he did a few moments ago——

Mr. VINSON of Kentucky. I insist on the point of order, Mr. Chairman.

The CHAIRMAN. The gentleman will proceed in order. He understands the rules of the House.

Mr. LAGUARDIA. The section under consideration is that of a definition of an immigrant, and the gentleman's amendment would limit the scope and purpose of this section.

Now, gentlemen, in discussing this section, and every other section of the bill, I say there is sufficient importance and sufficient merit to limit ourselves to the subject matter of the bill, and I say it is against the dignity of this House and unbecoming a Member to charge anyone who differs with him with any improper motive.

Mr. VINSON of Kentucky. I rise to a point of order, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. VINSON of Kentucky. The gentleman is not addressing himself to the amendment under discussion. I insist upon the point of order.

The CHAIRMAN. The gentleman from New York will suspend. As a rule, a reasonable amount of liberality is allowed in the opening part of a gentleman's address, even under the five-minute rule. The Chair has not been able to ascertain yet whether the gentleman from New York has strayed very far from a discussion of the amendment under consideration. Simply with the admonition to the gentleman from New York that he shall address himself to the matter before the committee in accordance with the rules, the Chair will overrule the point of order.

Mr. LAGUARDIA. It does seem strange, gentlemen, that we can not discuss sections in this bill or refer to any previous debate without irritating Members who have not studied the bill, Members who do not understand what is in the bill, and Members who I know now do not know what the amendment is that is before the House. That is what I am talking about.

Mr. VINSON of Kentucky. Mr. Chairman, I rise to a point of order, and I insist upon it.

The CHAIRMAN. The gentleman from New York will suspend. Without objection, the Clerk will report the amendment for the information of the gentleman from New York.

The amendment was again reported.

The CHAIRMAN. The gentleman from New York will proceed in order.

Mr. LAGUARDIA. That would refer, for instance, to an alien that has lived in the mountains of Kentucky and did not have an opportunity to go to school because of scarcity of schools there. [Laughter.] That would refer to children who went down to Kentucky and sought to find honest labor, but could only work on starvation wages, because that is how they treat their laborers down there. [Laughter.] You talk about an alien and you say you want to assimilate him. If you want to assimilate him, do not let him go to the mountains of Kentucky [laughter], because he will have no opportunity there to learn much of our institutions. He would certainly have no opportunity there to learn and see a good example of law and order and law enforcement.

Mr. JOHNSON of Washington. I want to ask, in all seriousness, if the distinguished gentleman from New York really thinks he is helping his cause or helping the progress of this bill in any way by making statements of that kind?

Mr. LAGUARDIA. The gentleman from Washington knows——

Mr. JOHNSON of Washington. I ask that in all good faith.

Mr. LAGUARDIA. The gentleman from New York has been very patient here. [Laughter.] I do want to help this bill, and I say right now, gentlemen, you have the votes to pass this bill in any way you want it, and I say now if you are really and honestly in favor of restriction stop immigration entirely and let us take inventory; then we will know just where and how much we should restrict. [Applause.]

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. VINSON of Kentucky. Mr. Chairman, I move to strike out the paragraph.

Mr. VAILE. Mr. Chairman, I move that debate on this amendment do now close. I do not want to shut off the gentleman from Kentucky.

Mr. VINSON of Kentucky. It does shut him off, and I think, as a matter of fair play, it should not be done.

The CHAIRMAN. The gentleman from Colorado [Mr. VAILE] moves that all debate on this amendment and all amendments thereto do now close.

The motion was agreed to.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Indiana [Mr. VESTAL].

The amendment was rejected.

The Clerk read as follows:

NONQUOTA IMMIGRANTS

SEC. 4. When used in this act the term "nonquota immigrant" means—

(a) An immigrant who is the unmarried child under 18 years of age, father or mother over 55 years of age, husband, or wife, of a citizen of the United States who resides therein at the time of the filing of a petition under section 8;

(b) An immigrant previously lawfully admitted to the United States, who is returning from a temporary visit abroad;

(c) An immigrant who has resided continuously for at least 10 years immediately preceding the time of his application for admission to the United States in the Dominion of Canada, Newfoundland, the Republic of Mexico, the Republic of Cuba, the Republic of Haiti, the Dominican Republic, the Canal Zone, islands adjacent to the American continents, countries of Central or South America, or colonies or dependencies of European countries in Central or South America, and his wife, and his unmarried children under 18 years of age, if accompanying or following to join him;

(d) An immigrant who continuously for at least two years immediately preceding the time of his application for admission to the United States has been, and who seeks to enter the United States solely for the purpose of, carrying on the vocation of minister of any religious denomination or professor of a college, academy, seminary, or university;

(e) An immigrant who is a skilled laborer, if labor of like kind unemployed can not be found in this country, and the question of the necessity of importing such skilled labor in any particular instance shall be determined by the Secretary upon the written application of any person interested; such application to be made before the issuance of the immigration certificate, and such determination by the Secretary to be reached after a full hearing and an investigation into the facts of the case;

(f) The wife, or the unmarried child under 18 years of age, of an immigrant admissible under subdivision (d) or (e), if accompanying or following to join him; or

(g) An immigrant who is a bona fide student over 18 years of age and who seeks to enter the United States solely for the purpose of study at an accredited college, academy, seminary, or university, particularly designated by him and approved by the Secretary.

Mr. DICKSTEIN. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from New York [Mr. DICKSTEIN] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. DICKSTEIN: Page 6, line 12, after the word "Newfoundland," strike out "the Republic of Mexico."

Mr. DICKSTEIN. Mr. Chairman and members of the committee, if you want to do the justice that you talk about and all the charity that has been handed out by some of the Members of the House in the last few days since this bill has been under discussion, why do you discriminate against southern and eastern Europe and allow as many as want to come from Mexico as long as they reside in Mexico for 10 years?

Mr. CABLE. Will the gentleman yield?

Mr. DICKSTEIN. If the gentleman will wait until I get through, I will yield then. The provision on page 6, subdivision (c), is very clear. They come under the exemption of the nonquota immigrants beginning on page 5, section 4, all Mexicans and the members of their family including their children are classified as nonquota immigrants, who may come here, as I said before, at any time and as many as want to, and the only qualification you have is that they shall reside in Mexico for 10 years.

You are trying to keep the undesirables away from the shores of America. Are you doing that by the provision of this bill? What is to stop anyone from bringing in 100,000 undesirables who you are seeking to debar? Is the fact they will be kept in Mexico 10 years going to purify their blood or change their status so that you may put a stamp of approval on them? Is that going to purify them to such an extent that after a period of 10 years they may come into the United States upon proof that they lived in Mexico for 10 years?

Gentlemen of the committee, I think you are discriminating when you incorporate into the law such a provision and open the bars. This is the back door that my colleague was talking about. Why was it done? Who was behind this proposition? The steamship interests, cheap labor interests, or interests that are opposed to labor, and yet you justify that provision in the bill by saying, "Yes, Mr. Mexican, or those residing in Mexico 10 years, regardless of where you come from so long as you have been there 10 years, we will allow you to come in. You can come in, all Mexico can come into the United States, and you can bring your children, you can bring the whole family, as many as want to come." You are inviting them by the provisions of this bill, and, gentlemen, if that is what you call consistency, if that is what you call fair play, take me home and let me stay there and not face a proposition of this kind; when in one breath you contend that we want to keep America for America and in the other breath you say to Mexico and to Canada, "We will allow in any of your citizens in any number and all persons having resided in your country for 10 years, in exempt of the quota, also their wives and children." This simply and conclusively proves to any intelligent mind that you are discriminating and you are now telling the American people that you are doing your mightiest to shut out all of southern and eastern Europe, because you say they are undesirable, and yet you open the back door and permit, for the benefit and interest of capital, all those coming from Mexico and Canada.

Mr. BOX. Mr. Chairman and gentlemen of the committee, as has been stated by the chairman in presenting this bill and by others of us in general debate, our effort has been to write a bill that would be workable and not have it broken and torn to pieces by amendments. They now attack it from every angle. This is an attack in an effort to kill it.

Every Member of this House who has given any attention to my attitude about the admission of Mexican laborers or Mexicans generally knows that I have opposed that. They also know, at least some of them, that I have introduced a bill, or have supported a bill actively in the committee, providing an additional guard for the Mexican and the Canadian borders to keep these people out under present law. The great problem there is enforcement. The Mexicans are coming in now, as my colleagues have told you, in violation of the law. I have repeatedly stated to the House that there are two great weaknesses in our immigration laws. The first is that the laws themselves are deficient. I am in doubt as to whether the greatest difficulty and the greatest peril is not in their nonenforcement.

If you begin to break up the bill by inserting provisions that will not work except to the undoing of the bill, we will pass no bill. We will have to deal with American Republics, neighboring Republics, on much the same basis. We have treaties with nearly all of them containing the "most favored nation clause," which entitles them all to equality of treatment in this. Your committee seriously considered all the countries of America, consulted with the State Department, considered what would be involved in dealing with Mexico and Canada alike or differently. While we know the problem is going to have to be dealt with hereafter, the committee found great difficulty in handling the immigration from Canada and Mexico and South America and adjacent islands. I have not personally agreed with the committee, but the committee has presented to this House a bill that can be passed. We must not load it with difficulties designed to kill it.

Mr. DICKSTEIN. Will the gentleman yield?

Mr. BOX. I will yield to the gentleman.

Mr. DICKSTEIN. The gentleman thinks that by striking out the Republic of Mexico and putting it in the quota it would destroy the bill?

Mr. BOX. No; I would be tremendously gratified if that could be inserted and carried into a workable bona fide law, but I think this is one of a series of attacks being made by those who oppose the bill.

Mr. MOORE of Virginia. Will the gentleman yield?

Mr. BOX. I yield.

Mr. MOORE of Virginia. If the bill should be passed the act of 1917 still remains in force and effect?

Mr. BOX. It does.

Mr. MOORE of Virginia. If that act was properly enforced there would be very few coming across the border from Mexico, would there not?

Mr. BOX. That is true. By the law passed in 1917, which remains in full force and effect, there were three tests—the literacy test, the head tax, and contract labor law.

Mr. MOORE of Virginia. And the physical test?

Mr. BOX. And the physical test, which with these other tests properly applied, will exclude 75 to 90 per cent of those people.

Mr. PERKINS. Will the gentleman yield?

Mr. BOX. I will.

Mr. PERKINS. Can the gentleman inform the House how many Mexicans came across?

Mr. BOX. Officially reported, 63,000 or 73,000, and those coming in by stealth reach a much greater number.

Mr. PERKINS. Can the gentleman tell how many came legally and illegally?

Mr. BOX. As to those smuggling themselves in or being smuggled in, that would be the wildest kind of a guess.

Mr. PERKINS. If we adopt this amendment will it not tend to keep them out?

Mr. BOX. I think not.

Mr. MILLER of Washington. Will the gentleman yield?

Mr. BOX. I will.

Mr. MILLER of Washington. I notice on page 5 of this immigration bill under the definition of "immigrant" it says that immigrant means any alien departing from any place outside the United States destined for the United States. I want to ask the gentleman if an emigrant coming from Europe into Mexico with a view of consequently entering the United States after the expiration of the 10-year period will upon his entry into Mexico have to be accompanied by any showing of a certificate that he is destined for the United States ultimately?

Mr. BOX. In the administration of the measure I think he will be required to prove that he has been in Mexico for the required time, but that will probably be all that is required, except that he is admissible under the act of 1917. I will explain that under the first quota act which did not apply to Mexico that period was made one year. When the committee found it was being abused, when that act was extended, it was made five years, and we found there was abuse of that and so we have made it so long now that we think that a man coming from any other part of the world to the United States would not hazard 10 years in Mexico in order to get into the United States.

Mr. RAKER. Will the gentleman yield?

Mr. BOX. I will yield to the gentleman from California.

Mr. RAKER. Will the gentleman state whether or not the testimony was not presented to our committee that hundreds of thousands came across the Mexican line fraudulently, and also swam the river—they were called wet backs—and the only thing that can keep them out is a proper patrolling of the border?

Mr. BOX. That is true. That is what is needed much worse than more unenforced law.

Mr. CELLER. Will the gentleman yield?

Mr. BOX. I can not yield. The Mexican border is some 2,000 miles or longer in extent. In the eastern portion in most places it is marked by a shallow river running through mountains, deserts, broken country, sparsely settled, and the task of properly guarding that border is a very great one. Your committee thought it better not to do anything than to make a further farce of the effort to enforce that by additional law when the present law is not being enforced. Difficult as the task is, serious as the obstacles are, the question must soon be dealt with. But, gentlemen, Rome was not built in a day, and we can not overcome all of the difficulties at once. I will say that I never heard of these gentlemen who oppose this bill making any objection to Mexican immigration in all the fight I have for years been making here against it. They are much concerned now when we are proposing to keep some one else out. I think that the record will show that some of these gentlemen who are complaining now voted against my every effort to keep them out at the time. They now want to kill this bill. I want the Mexicans kept out, but I do not want this bill killed by men who want these and all others admitted in unrestricted numbers.

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

Mr. SABATH. Mr. Chairman, the gentleman from Texas in answering the question of the gentleman from Virginia stated that the law, if we adopt this measure, the 1917 act, will still be in force and consequently we will be able to keep them out under the immigration act of 1917. If that is so, why can not we keep them out now, because it is the law now? Under the law they are not permitted to come, but they do come.

However, I am not going to argue that point. I do want to call your attention to this fact, that they do come now under the law as it is now. They are permitted to come by the Department of Labor and of Immigration. Some one has asked the question how many do come legally. I have the figures here, and I will say to the gentleman that in 1923 there were 63,768 Mexicans that came in. And, mind you, the first nine months of this fiscal year there were 63,757 Mexican immigrants admitted legally. If you take that number, together with the number that came from Canada, the total will be over 300,000 for the present fiscal year. What I want to know is this: If some of you gentlemen here are so vitally interested to protect the American wage earners, why do you not treat the Mexican and the Canadian immigration situation in the same way as you do the Europeans, unless you believe the Mexicans are superior people to those who are coming from Europe? I feel that there are very few of you who would be ready to go on record to prove that a Mexican makes a better American citizen than the European immigrants.

Mr. DICKSTEIN. Could not these Mexicans be placed in a quota just as the others are?

Mr. SABATH. Yes. I would not discriminate against Mexico or Canada. I believe they should have the same status, the same privilege, the same rights, as any other people, and I believe they should be put on the same quota basis as are the other immigrants. It is for that reason that I indorse and favor the amendment that has been offered, and if we are on the square, if we are sincere and honest in our efforts to protect the American laboring man, I do not see what else you can do but vote for the amendment.

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

Mr. SABATH. Yes.

Mr. WATKINS. Many of us have been charged with discriminating against races. Does the gentleman think it is fair to single out any nation and slip it out of the paragraph and leave all of the others in?

Mr. SABATH. Oh, no.

Mr. WATKINS. Was not that clause put in there in order that the Government might control those that it did not control who come over on steamship lines which never ply between the United States and other ports?

Mr. SABATH. The gentleman means the 10-year period?

Mr. WATKINS. Yes.

Mr. SABATH. Oh, it is again manifestly unfair, because a European may be of splendid character, may be able to comply with every restrictive provision in our law, and yet could not be admitted unless he remained and lived in Canada and Mexico for 10 years; on the other hand, a Mexican or Canadian, who may be a scalawag or of an undesirable type, has the privilege of coming at any time because the quota restrictions do not apply to those countries.

The CHAIRMAN (Mr. SANDERS of Indiana). The time of the gentleman from Illinois has expired.

Mr. SABATH. Mr. Chairman, I ask unanimous consent to proceed for two minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. SABATH. I do agree with the gentleman from Oregon that we should not pick out only Mexico. I think we should make the quota applicable to all the nations. Let us be fair and just to all and eliminate the charge that we have been discriminating against this, that, or the other nation. I believe that the amendment which the gentleman from New York [Mr. DICKSTEIN] has offered should be enlarged, and I shall later on offer an amendment that would also include Canada and other countries, so that we can then reduce the large immigration not only from Europe but also from Mexico and Canada, which immigration in the last seven years has nearly exceeded the immigration from Europe. I do not think you gentlemen know that, but that is the fact. The total net increase from Mexico and Canada in the last seven years, since the literacy test has been adopted, is 611,000, as compared to 761,000 from Europe for the same period. The total net immigration from Mexico and Canada for the first nine months of the fiscal year, July 1, 1923, to March 31, 1924, is 224,209. With no quota restrictions it is easy to see that the immigration from these two countries for the year will exceed 300,000, and perhaps exceed the number that are permitted to come from Europe under the quota.

The CHAIRMAN. The time of the gentleman from Illinois has again expired.

Mr. RAKER. Mr. Chairman, I rise in opposition to the amendment. There is nothing like being absolutely candid on these matters. You gentlemen have been on other committees and you know what occurs before the committee. It is strange to me that men might vote one way in the committee and take another attitude on the floor of the House. I do not know whether I ought to say that I voted for a like amendment in the committee——

The CHAIRMAN. The Chair will admonish the gentleman not to state what occurred in the committee.

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

Mr. RAKER. Not now. I do not refer to anybody particularly.

Mr. SABATH. The gentleman can not refer to me.

Mr. RAKER. Oh, do not crowd me.

Mr. SABATH. I am willing to crowd the gentleman. I am willing that he should state anything and everything that I ever stated in the committee.

Mr. RAKER. I am referring to no one.

The CHAIRMAN. The gentleman from California will proceed in order.

Mr. RAKER. My distinguished colleague, Judge Box, has been a consistent advocate relative to the Mexican situation,

that they do not belong to this country, and they are a detriment. That has been his attitude in the committee when we had hearings, something like a month ago, when they tried to break down the law and let the Mexicans come in here for labor. I want to call attention now to some testimony and then read the law on the statute books. The witness, F. J. Klump, the head of the labor department of the Michigan Sugar Co., of Saginaw, Mich., testified as follows, on page 129 of the hearings:

Mr. RAKER. All right; let us get down to Mexico now. You say you have been paying $2 per head to labor agents in Texas for securing Mexicans for the sugar-beet industries. Is that right?

Mr. KLUMP. Yes, sir.

Mr. RAKER. What towns did you go to to select these?

Mr. KLUMP. San Antonio, Houston, and Fort Worth.

Mr. RAKER. Name us your agent at San Antonio.

Mr. KLUMP. At the present time he is I. M. Garza.

Mr. RAKER. A Mexican?

Mr. KLUMP. Yes; he is a citizen of this country, born in Mexico.

Mr. RAKER. And your agent at Fort Worth?

Mr. KLUMP. The same man.

Mr. RAKER. At the other city?

Mr. KLUMP. At Houston we had a man by the name of Heider this past year.

Mr. RAKER. Is he your agent now?

Mr. KLUMP. No, sir.

Mr. RAKER. Who is your agent?

Mr. KLUMP. Mr. Garza.

Mr. RAKER. He represents you at all these cities?

Mr. KLUMP. Yes, sir.

Mr. RAKER. He has a general contract with your company to secure this labor?

Mr. KLUMP. Yes, sir.

Mr. RAKER. It is wholly immaterial to you people how he gets them so long as he gets them?

Mr. KLUMP. That is probably true in a sense; yes. We do not ask any questions.

Mr. RAKER. If they are there, that is all you care for?

Mr. KLUMP. Yes.

Mr. RAKER. Does that include the man, the wife, and the children, at $2 per head?

Mr. KLUMP. No.

Mr. RAKER. If there is a man, wife, and three children, five in all, that will be $10.

Mr. KLUMP. We pay him 50 cents for the females.

Mr. RAKER. How much for the minor children from 14 to 16, 18, or 19 years of age?

Mr. KLUMP. We pay him $2 a head from 16 years up.

Mr. RAKER. From 16 years up you pay $2?

Mr. KLUMP. Yes, sir; for all males; for females, 50 cents.

Mr. RAKER. From what age?

Mr. KLUMP. Same age.

Mr. RAKER. Sixteen?

Mr. KLUMP. Yes, sir.

Mr. RAKER. Married, single, or otherwise, it makes no difference?

Mr. KLUMP. It makes no difference.

Now, I shall read to you the law. This matter has been before the department, and there has been a request that prosecutions be made:

persons hereinafter called contract laborers who have been induced, assisted, encouraged, or solicited to migrate to this country by offers or promises of employment, whether such offers or promises are true or false or in consequence of agreements, oral, written or printed, express or implied, to perform labor in this country of any kind, skilled or unskilled.

Witnesses appeared before our committee, and there is no question but that over 90 per cent of those Mexicans who come here come in violation of the law, and the people know it. They go down there to the border and drive them across the border like you would drive sheep through a chute or cattle in a corral, and this man testifies they have a man in charge that places them on the train, and that he locks the doors and hauls them to Gary and to the railroads and other places for employment.

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

Mr. RAKER. One minute, and I have finished.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. RAKER. All that I ask is that we appropriate enough money to enforce the laws of our land so that men in this country, railroad men, corporations, and others, may not violate the law. The railroad official whose business all over the United States is to gather these men told me last summer that it takes three of these men to do one white man's work, and they pay them as much as they do a white man to do the work. But when they get these started white men will not work with them, and therefore they have got the job and the American citizen is deprived of making a living, and for his wife and children as well, just simply because we have not got the courage, because we have not got the stamina, simply because some of the large institutions are making money out of these poor unfortunate devils and we let them come into this country.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. LAGUARDIA. Mr. Chairman, I have a substitute to the gentleman's amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Substitute offered by Mr. LAGUARDIA to the amendment offered by the gentleman from New York [Mr. DICKSTEIN]: Page 6, strike out all of paragraph (c) of section 4 and insert in lieu thereof the following: "(c) An immigrant who has resided continuously for 10 years immediately preceding the time of his application for admission to the United States in the Republic of Cuba or the Canal Zone."

Mr. LAGUARDIA. Mr. Chairman and gentlemen of the committee, if this bill passes, and in all likelihood the bill will pass, we will change labor conditions in this country, and I believe that the gentlemen on the committee will agree with that. The minute that you do that there is going to be a great demand for labor, and the conditions just described by the gentleman from California [Mr. RAKER] should convince you of the existence of the traffic going on in the unlawful importation of cheap Mexican labor. Now unless you cut off entirely the islands near by and Mexico, you are going to establish a systematized importation of the cheapest kind of labor and you will destroy the very purpose that you believe you are going to carry out by the restrictive measures contained in the present bill. Now, I fail to see why—if the gentleman from California will give his attention for just a moment—first, if those conditions are true, why we do not compel the Department of Labor to enforce the law; and secondly, why we do not make sure to prevent by law a continuance of the existing evil.

Mr. RAKER. Will the gentleman yield right there?

Mr. LAGUARDIA. I will.

Mr. RAKER. A few years ago they took off about 68 rangers along the border because we gave them too little money.

Mr. LAGUARDIA. I am sure it is a good investment for the United States to put a patrol on the border and not to permit this condition to destroy the standard of living and the present standard of wages. I do not see why we can not unite the Department of Labor, the customs service, the Immigration Service, and the prohibition service for border-patrol purposes.

Mr. RAKER. Just one question. Next week a bill will come up whereby we will have an opportunity to place a sufficient amount of money in it so as to protect the southern as well as the northern borders of the United States.

Mr. LAGUARDIA. I will go with them on that.

Mr. WATKINS. If the gentleman will permit, what provision has the gentleman made in his substitute for the wife and children of that particular immigrant?

Mr. LAGUARDIA. My attention has been called to it, and I hope the gentleman will amend my substitute by adding "and his wife and his unmarried children under 15 years of age if accompanying or following to join him."

The CHAIRMAN. The gentleman from New York asks unanimous consent to amend his amendment as reported by the Clerk. Is there objection?

Mr. VINSON of Kentucky. I object, Mr. Chairman.

Mr. LAGUARDIA. Oh, do not do that, please.

Mr. VINSON of Kentucky. Mr. Chairman, I will say, as I am a good sport, coming from the grand old State of Kentucky, I will withdraw it. [Applause.]

Mr. LAGUARDIA. Thanks.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

At the end of the LaGuardia amendment insert "and his wife and his unmarried children under 15 years of age if accompanying or following to join him."

Mr. HUDSPETH. Will the gentleman yield?

Mr. LAGUARDIA. I will.

Mr. HUDSPETH. In the appropriation bill two years ago I offered an amendment to increase the patrol guard on the Rio Grande and Mexican border by 500 men. I shall offer a

similar one to the next appropriation bill. Will the gentleman support such an amendment?

Mr. LAGUARDIA. I will support it. I think we ought to unite our services and have a real effective patrol.

Mr. HUDSPETH. You can not have it until you place competent men there and pay them, and then the conditions described by the gentleman from California will not prevail in this country any longer.

Mr. LAGUARDIA. I think all of that bears out the necessity of my substitute to the amendment offered by the gentleman from New York, and that when we create a new labor condition, as we will by this bill, we ought to prevent the importation of labor from the adjoining islands and from Mexico in order to destroy the present standard of living and wages of labor. Aliens you are excluding in this bill no longer lower wages, and there are sufficient of their race to educate them and train them to meet their new conditions.

Mr. DICKSTEIN. Will the gentleman yield?

Mr. LAGUARDIA. I will.

Mr. DICKSTEIN. By this bill does not the gentleman take away the entire right of the Mexicans to come here?

Mr. LAGUARDIA. No; they will come in under the law, as everybody else. My substitute to the gentleman's amendment simply takes in adjoining islands and other countries on the Western Hemisphere.

Mr. WILSON of Louisiana. Will the gentleman yield?

Mr. LAGUARDIA. I will.

Mr. WILSON of Louisiana. The effect of the gentleman's amendment will be to put all countries except Cuba——

Mr. LAGUARDIA. And the Canal Zone.

Mr. WILSON of Louisiana. Under the quota?

Mr. LAGUARDIA. Exactly.

Mr. WILSON of Louisiana. And Canada?

Mr. LAGUARDIA. Exactly.

Mr. WILSON of Louisiana. And the South American Republics?

Mr. LAGUARDIA. I would; that is exactly what I would do.

Mr. WATKINS. Mr. Chairman, will the gentleman allow me to ask him a question right there?

Mr. LAGUARDIA. Yes.

Mr. WATKINS. If that amendment is adopted and that is done, will the gentleman support the bill?

Mr. LAGUARDIA. The gentleman is not fair in asking that.

Mr. WATKINS. Then, I withdraw the question. I do not want to be unfair.

Mr. LAGUARDIA. I will say this, that you have the votes to pass the bill.

Mr. WATKINS. I hope so.

Mr. LAGUARDIA. If you pass the bill and leave that gap open, you will have a worse condition than you have to-day. If I were convinced that the labor condition would not permit the letting in of more people I would vote to adopt the most restrictive measure. But I repeat, I do not believe the conditions of our country requires restriction to the extent carried out in this bill, and the reductions in the number from certain countries is not justified.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. WILSON of Louisiana. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from Louisiana is recognized.

Mr. WILSON of Louisiana. Mr. Chairman and gentlemen of the committee, the effect of the amendment just offered would be to apply the quota to Canada and to all the South American republics. The only argument that could be offered in favor of that would be on account of the influx of cheap labor from Mexico. If the proper arrangement were made and proper patrol on the Mexican border were organized and the law enforced it would not be necessary. The object of the committee in making up the bill as it is was to carry out our friendly relations with the various republics of this continent.

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

Mr. WILSON of Louisiana. Not now.

From South and Central America very little immigration comes; practically none from that section. Why should we offend them and interrupt our good relations with them by such an amendment when it is not necessary? All that it would be necessary to do would be to provide against Mexicans.

Mr. BYRNES of South Carolina. Mr. Chairman, will the gentleman yield?

Mr. WILSON of Louisiana. Yes.

Mr. BYRNES of South Carolina. Does this provision apply to Mexico only, or to other nations?

Mr. WILSON of Louisiana. No. The amendment now pending would apply the quota to all South and Central American countries.

Mr. BYRNES of South Carolina. If it does not disrupt our relations with the rest of the world or offend the rest of the nations, why should it disrupt our relations with and offend Mexico? There is no considerable immigration from any of those countries except Mexico.

Mr. WILSON of Louisiana. It is not the immigration from South America that is affecting us so much as it is the immigration from Europe.

Mr. BYRNES of South Carolina. Does the gentleman say that all the immigration from the south that comes to this country is from Mexico?

Mr. WILSON of Louisiana. No; but the only influx that would be of any danger would come from Mexico. We do not want to apply the quota to our sister nations on this continent, and why should we offend them on account of Mexico? Practically no immigration comes from South and Central America.

Mr. LAGUARDIA. You are putting them all on the same basis.

Mr. WILSON of Louisiana. I am talking about these countries over here. It is not necessary to enumerate them. They are not a source of danger.

The CHAIRMAN. The time of the gentleman from Louisiana has expired. The question is on agreeing to the amendment.

The question was taken, and the amendment was rejected.

The CHAIRMAN. The question now is on the substitute for the amendment offered by the gentleman from New York [Mr. LAGUARDIA].

The question was taken, and the substitute was rejected.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from New York [Mr. DICKSTEIN].

The question was taken, and the amendment was rejected.

Mr. JOHNSON of Washington. Mr. Chairman, I offer a committee amendment.

The CHAIRMAN. The gentleman from Washington offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. JOHNSON of Washington: Page 7, line 15, after the word "college," insert a comma.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. KINDRED. 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. KINDRED: Page 6, line 24, after the word "denomination," insert the words "or member of a religious order."

Mr. KINDRED. Mr. Chairman and gentlemen, the evident purpose of my amendment is to exclude from the quotas provided for in the bill the worthy class mentioned in the amendment. I hope the amendment will prevail on its own merits, and I will not take the time further to discuss it. [Applause.]

The CHAIRMAN. The question is on agreeing to the amendment. The question was taken, and the Chairman announced that the noes appeared to have it.

Mr. KINDRED. A division, Mr. Chairman.

The CHAIRMAN. The gentleman from New York demands a division.

The committee divided; and there were—ayes, 14, noes 94.

So the amendment was rejected.

Mr. BERGER rose.

The CHAIRMAN. The gentleman from Wisconsin is recognized.

Mr. JOHNSON of Washington. Mr. Chairman, I move that all debate on this section and all amendments thereto be closed.

The CHAIRMAN. The gentleman from Wisconsin has been recognized to offer an amendment.

Mr. BERGER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Wisconsin offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. BERGER: Page 6, line 3, after the word "a," strike out the word "citizen" and insert in lieu thereof the words "resident who has declared his intention of becoming a citizen."

Mr. PERLMAN. Mr. Chairman, I offer a substitute.

Mr. BERGER. Mr. Chairman, I do not yield.

The CHAIRMAN. The gentleman from Wisconsin is recognized.

Mr. BERGER. Mr. Chairman and gentlemen, the object of this amendment is plain. I will read the paragraph as it will be when amended. It will admit as nonquota immigrants:

(a) An immigrant who is the unmarried child under 18 years of age, father or mother over 55 years of age, husband, or wife, of a resident who has declared his intention of becoming a citizen of the United States who resides therein at the time of the filing of a petition under section 8.

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

Mr. BERGER. I have only five minutes. Please, do not interrupt me. I am not taking up much of the time of this House.

The purpose of my amendment is simply to protect the family.

The basis of our present civilization is the family. The tribe and the Nation are only enlarged families. If you destroy the family you destroy the fabric of our civilization as we know it. If you let an alien come in to make this country his home you ought to make it possible for him to bring in his wife and children, especially after he has declared his intention of becoming a citizen. The amendment is humane and necessary.

Mr. CABLE. Will the gentleman yield?

Mr. BERGER. I can not yield.

The CHAIRMAN. The gentleman declines to yield.

Mr. BERGER. I may say that the admission of the wife and children will improve the moral standard of the immigrants and will not disturb your quota. I am not afraid of any disturbance of quota, however, because there is no inspired law or commandment saying that this country must remain Anglo-Saxon.

I for one have not the inferiority complex. I feel that I am as good as any man living in the United States, including this House—even though I was born abroad and not even in England.

Mr. BARBOUR. The gentleman is modest.

Mr. BERGER. I am just as modest as is the gentleman from California.

All thinking people will agree that the wives and children of the immigrants we have permitted to come in will not be a disturbing element in our civilization or in our country. On the contrary, if you do not encourage them to send for their families as soon as these immigrants have the necessary money, you help immorality; in fact, you create it. And for that reason, gentlemen, I hope that every one of you will vote for this amendment. The proposition as it stands now is not only unjust and inhuman; it is positively immoral.

Mr. DICKSTEIN. Will the gentleman yield?

Mr. BERGER. Yes.

Mr. DICKSTEIN. What does the gentleman propose to do by this amendment—to allow the wives of declarants to come in?

Mr. BERGER. Yes; the wives and children of declarants.

Mr. DICKSTEIN. That does not belong to the section to which the gentleman offers his amendment.

Mr. BERGER. Yes, it does; it belongs to this very section.

Mr. NEWTON of Minnesota. Will the gentleman yield?

Mr. BERGER. Yes.

Mr. NEWTON of Minnesota. When the gentleman read his amendment to the committee he omitted the term "citizen," so that the effect of the gentleman's amendment would be to exclude the wives and children of citizens. I do not believe the gentleman intended to do that?

Mr. BERGER. No; I did not.

Mr. NEWTON of Minnesota. But the gentleman merely intended to add to the section, as it is now drawn, the wives and children of declarants.

Mr. BERGER. That is evidently an oversight. I shall therefore add the word "citizen" to the word "resident."

Mr. Chairman, I ask unanimous consent to modify my amendment in that respect, so as to make the amendment of the provision absolutely clear.

The CHAIRMAN. The gentleman from Wisconsin asks unanimous consent to modify his amendment. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the amendment as modified.

The Clerk read as follows:

Page 6, line 3, after the word "citizen" insert the following: "or of one who has declared his intention of becoming a citizen."

Mr. BERGER. We heard so much about the dangers lurking in our present immigration. Now, here is an amendment which every Member ought to support. It will not add much to the number of immigrants admitted. It will appeal to the best and most natural instinct of the immigrant—his family instinct.

It will make a more reliable workingman of him, for the simple reason that workers who have families are more reliable, and most of those who come here are workingmen.

It will even make for a more satisfied population and, for that matter, it will add to the safety of the country.

Gentlemen, you will most assuredly build up a better citizenship if you encourage the immigrant to send for his wife, his children, or his parents, as the case may be.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SABATH. Mr. Chairman, I offer a substitute for the amendment offered by the gentleman from Wisconsin.

The CHAIRMAN. The gentleman from Illinois offers a substitute for the amendment offered by the gentleman from Wisconsin, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. SABATH: Page 6, line 5, insert the following: "An immigrant who is the husband, wife, or unmarried minor child under 18 years of age, of an alien (1) who has been legally admitted to the United States; (2) has resided in the United States continuously for at least two years prior to the time of the filing of the petition under section 8; (3) has, at least one year prior to the time of the filing of the petition under section 8, declared his intention, in the manner provided by law, to become a citizen of the United States."

Mr. SABATH. Mr. Chairman, I fully subscribe to everything that the gentleman from Wisconsin [Mr. BERGER] has stated. My amendment only attempts to do what the gentleman proposes in his amendment, with this exception, and it is a little broader in this respect: It requires that a man must be a resident in the United States for two years and must have filed a declaration of intention. I know that the gentleman from Wisconsin will agree that that should be embodied in his amendment.

Mr. BERGER. No; it is an entirely different proposition. The gentleman's amendment adds a new section, while my amendment is simply a change of the original section as reported by the committee. The gentleman's amendment provides a new law, while all my amendment does is to enlarge the term "citizen" by adding those who have declared their intention of becoming citizens. That is all.

Mr. SABATH. That is what I am trying to do by my amendment.

Mr. NEWTON of Minnesota. Will the gentleman yield?

Mr. SABATH. Yes.

Mr. NEWTON of Minnesota. If I understand the gentleman's amendment correctly, it not only takes in declarants; that is, the wives and children of declarants, but also alien residents, provided they have been residents for two years or more, even though they have not declared their intention to become citizens.

Mr. SABATH. No. I think the gentleman from Wisconsin has not embodied declarants, but I believe they should be included. Do I make myself clear?

Mr. NEWTON of Minnesota. I did not so understand the gentleman's amendment.

Mr. SABATH. That is, it is provided that they must have resided here for two years and that they must have filed a declaration of intention a year prior to that. Now, I offer this amendment because I do not believe in the separation of families. I believe it is an amendment in the right direction; I think it is a humane provision and I think it is for the best interests of America that these people should be permitted to come.

The CHAIRMAN. The time of the gentleman has expired.

Mr. VINSON of Kentucky. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Kentucky moves to strike out the last word, and is recognized for five minutes. [Applause.]

Mr. VINSON of Kentucky. Mr. Chairman, I ask unanimous consent to speak out of order for five minutes.

The CHAIRMAN. The gentleman from Kentucky asks unanimous consent to speak out of order for five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. VINSON of Kentucky. Mr. Chairman and gentlemen of the committee, in virtue of the attack made upon my native State—Kentucky—by the gentleman from New York [Mr. LAGUARDIA] I arise from my seat for the purpose of defending my State and to discuss whether or not such charges have a foundation in fact.

There is more involved in this discussion than the colloquy, dealing to some degree in personalities, between the gentleman from New York and myself. The good name of a great State and its greater people is sought to be brought into disrepute by his statements made upon this floor that Kentucky had no

schools and her people were illiterate. Not only do I deny such accusations, but in my humble way I intend to resent it.

It will not be my purpose to enter into contest with the gentleman in regard to the respective collegiate attainments possessed by either of us, but were such issue joined I would be proud to boast as my alma mater, in both arts and law, that grand little school in Kentucky—Centre—which, upon the gridiron hurled into the dust the proud colors of Harvard.

If it be crime, I plead guilty to being a new Member; if the gentleman considers it a crime, I plead guilty to have come from old Kentucky, and further plead guilty to being a native of the mountains of that State, born and reared among them and now living there as a matter of choice. I am proud to acknowledge my nativity.

From the remarks of the gentleman, it is evident that he does not know Kentucky. He has yet to learn—with all his scholarly attainments—that when the radiant sun rears its majestic head above the waters of the Big Sandy and the mighty Ohio on its eastern shores, throughout the day it retains a most happy status in its journey across Kentucky; and when its golden glow, in the even time, sinks into the turbulent waters of the Mississippi it leaves Kentucky with a feeling of gloom and sadness exhibited in its very face. Can it be that the learned gentleman never heard, in that world-famous song, that "The sun shines bright in my old Kentucky home."

Diversified in topography and in its people, I maintain that in the creation the Omnipotent One gave special favor to Kentucky. It is a scientific fact that the blue grass within her confines brings to a horse more speed, endurance, and stamina than the product of any other soil. Man-o-War, the greatest horse of the age, was bred, born, reared, and now is quartered in our State. Soon the Kentucky Derby will be here, and the moneyed sports from the gentleman's city will hie themselves westward to Churchill Downs to participate in the pleasure incident to the sport of kings. Occasionally an eastern horse finishes in the money, but ofttimes the Kentucky horses finish one-two-three; and the cultured folk from the gentleman's city, with drooping head and sagging purse, wend their way back to the so-called superior East. In the days of the ancient mythology the blue grass would have been heralded as the playground of the gods.

Subject to the criticism of including myself within the terms, I state upon my responsibility as a Member of this House that no finer American type can be found in these United States than those who populate Kentucky. I make this statement irrespective of the location of her people, whether they come from the blue grass, the pennyroyal, the purchase, or the mountains.

I deny that the people of Kentucky are illiterate. Without the same problem, common to the Southern States, confronting us, our statistical rate of literacy would be much higher. Contrary to the statements of this Member, we have schools, colleges, and universities in our midst. In former days the educational advantages of the mountains were to some extent limited, but that condition is fast passing away.

I challenge the statement of the gentleman in respect of the illiteracy of the mountain folk in our State; and if the gentleman would come with me among my mountain people I feel sure that he would retract and strike from the RECORD the maligning remarks in respect of her great citizenship. And if possessed of a trading spirit, I venture the assertion that the keen intellect of the mountaineer would soon prove to him that his utterances were ill-founded.

If the gentleman came among them in a Rolls-Royce, he would soon be riding in a Ford; and, if he continued the test of wits, I daresay that he would soon be journeying upon a plug mare; and, if a disloyal utterance were made, the general treatment is a ride upon a thin rail. I certainly would be glad to see the gentleman educated in respect of the greatness of our State, and the true worth of her citizenship.

I love Kentucky. All her sons and daughters love her. None but a Kentuckian can know the thrill that creeps up the spine of one "to the manor born" when, away from her borders, the strains of My Old Kentucky Home are wafted to his ears. It is the same feeling of pride that obtains when the American soldier stands at retreat, in the glow of the setting sun, when all nature is subdued, and listens to the band playing "To the Colors." In either instance this emotion is evoked because of love of country.

Mr. WEFALD. Will the gentleman yield?

Mr. VINSON of Kentucky. Yes.

Mr. WEFALD. I think the gentleman forgot to tell us about the most precious thing that Kentucky ever gave to the world. What is it?

Mr. VINSON of Kentucky. The fine womanhood of Kentucky. [Applause.]

From the attitude of the gentleman I am led to believe that he has never visited our State; that he is ignorant of the real conditions in Kentucky; that he does not understand the worth of her great people. In consequence of which, to guide him right and to acquaint him with the real Kentucky, should he take an unaccustomed journey from his city of New York, I will paint for him its picture:

When you see a field where grass is blue,
And everything looks good to you,
You're in Kentucky, sure as you're born.
When a million sunbeams light your way,
Say "Come on stranger; won't you stay?"
You're in Kentucky, sure as you're born.

When the shadows creep, you can go to sleep;
On a carpet of moonbeams you can dream your dreams,
'Neath a blanket of gleaming stars.
If you wake at dawn, 'mid glistenin' dew,
And find old Dixie kissin' you,
You're in Kentucky, sure as you're born.

Mr. JOHNSON of Washington. Mr. Chairman, is there an amendment pending?

The CHAIRMAN There are two amendments pending.

Mr. JOHNSON of Washington. Mr. Chairman, I move that all debate on this amendment and all amendments thereto do now close.

Mr. WATKINS. Mr. Chairman, I submit an amendment to the motion, that debate close in three minutes.

Mr CELLER Mr. Chairman, I object.

The CHAIRMAN. The gentleman from Oregon offers an amendment to the motion of the gentleman from Washington——

Mr. GRIFFIN. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. GRIFFIN. Mr. Chairman, I would like to ask the question whether it would not be possible to agree upon some parliamentary practice here whereby every man in this House who has an amendment pending at the desk might at least have an opportunity to say a few words in favor of it.

The CHAIRMAN. The Chair will state to the gentleman from New York that that is not possible under the rules.

Mr. VESTAL. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman from Indiana rise?

Mr. VESTAL. Mr. Chairman, I want to offer a substitute for the motion of the gentleman from Washington, the substitute being that debate shall close at the end of 10 minutes on all amendments.

Mr. LUCE. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The committee will please be in order. Was the gentleman's amendment a substitute for the motion of the gentleman from Washington or the amendment to the motion offered by the gentleman from Oregon?

Mr. VESTAL. Mr. Chairman, I want to submit an inquiry. I probably did not understand the motion.

The CHAIRMAN. The motion of the gentleman from Washington was that debate close now.

Mr. VESTAL. On what?

The CHAIRMAN. On the amendment and all amendments thereto.

Mr. VESTAL. I withdraw my substitute, Mr. Chairman.

The CHAIRMAN. By unanimous consent the substitute is withdrawn.

Mr. SABATH. Mr. Chairman, I offer a substitute. I move that the debate close in 20 minutes. This is an important provision.

The CHAIRMAN. The gentleman from Illinois offers a substitute to the motion of the gentleman from Washington that debate close in 20 minutes.

Mr. JOHNSON of Washington. Does the gentleman offer that to this amendment and all amendments to the section?

Mr. SABATH. No; not on the section but on the paragraph.

Mr. JOHNSON of Washington. My motion was to close the debate on the pending amendment and all amendments thereto.

The CHAIRMAN. The question first comes on the amendment of the gentleman from Oregon to amend the motion of the gentleman from Washington.

The question was taken, and the amendment to the motion was rejected.

The CHAIRMAN. The question now recurs on the substitute motion of the gentleman from Illinois.

Mr. SABATH. Mr. Chairman, I ask to make it 10 minutes.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to modify his substitute as suggested. Without objection, it is so ordered.

There was no objection.

The CHAIRMAN. The question now recurs on the substitute motion of the gentleman from Illinois to limit debate to 10 minutes.

Mr. SABATH. On the paragraph.

The CHAIRMAN. There is no paragraph pending.

Mr. JOHNSON of Washington. On the section and all amendments thereto was the substitute.

Mr. SABATH. Then on the amendments pending.

The CHAIRMAN. The question now recurs on the substitute motion of the gentleman from Illinois that all debate on the pending amendments close in 10 minutes.

The question was taken, and the substitute was rejected.

The CHAIRMAN. The question now recurs on the motion of the gentleman from Washington.

The question was taken, and the motion was agreed to.

The CHAIRMAN. The question now comes on the substitute amendment offered by the gentleman from Illinois to the amendment offered by the gentleman from Wisconsin [Mr. BERGER].

Mr. SABATH. Mr. Chairman, I ask unanimous consent that I may withdraw my substitute, because the amendment of the gentleman from Wisconsin [Mr. BERGER] really does all that I sought to accomplish.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to withdraw his objection. Is there objection?

There was no objection.

The CHAIRMAN. The question now recurs on the amendment offered by the gentleman from Wisconsin.

The question was taken; and on a division (demanded by Mr. BERGER) there were—ayes 31, noes 78.

So the amendment was rejected.

Mr. SABATH. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Amendment offered by Mr. SABATH: Page 6, after paragraph (a) 1, insert "or of an alien who served in the military or naval forces of the United States at any time between April 6, 1917, and November 11, 1918, inclusive, and was not discharged therefrom under dishonorable conditions.

Mr. SABATH. Mr. Chairman, this amendment would except from the operation of the quota the wife and the children of those who have served in the military or naval forces of the United States. I am of the opinion that the number would be very small.

Mr. VAILE. Will the gentleman yield?

Mr. SABATH. Yes.

Mr. VAILE. Why could not these men have become citizens of the United States since the World War? They have had plenty of time.

Mr. SABATH. Yes; they have had plenty of time, but many of them are in the hospital, and some are still suffering and have been unable to earn money enough to aid or assist their wives and children to come over here.

Mr. PERLMAN. Will the gentleman yield?

Mr. SABATH. I will.

Mr. PERLMAN. This morning's paper contains a statement by Secretary of Labor Davis that because of lack of appropriation they could not naturalize all those who had served in the World War.

Mr. JOHNSON of Washington. We passed a special act providing for those who served in the Army.

Mr. SABATH. Yes; but the trouble is the gentleman from Washington [Mr. JOHNSON] and the gentleman from Colorado [Mr. VAILE] failed to take notice that while we did pass a law making it possible for the foreign-born people in the Army to be naturalized during the war, many of them were on the way across and there were thousands of them on the way, and there were thousands and thousands on the other side that could not be reached and could not avail themselves of the high privilege of becoming American citizens.

Now, I believe we ought to be fair. I am not asking anything unreasonable; you are going to pass this bill, but do not let us discriminate against the wives and children of the men who offered their lives to our country and to our flag. That is all I am asking for and that is all I am proposing, and if it is not fair—all right, vote it down. But I felt it was my duty to bring it to the attention of the Members of this House so that it would not be said later that they had had no opportunity to vote for any such provision. I am giving you the opportunity, and I believe this amendment should in all fairness to ourselves be adopted.

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

Mr. SABATH. I will yield.

Mr. CLARKE of New York. Has the gentleman any estimate of the number that would be affected by this amendment?

Mr. SABATH. I could only guess at the figures. I understand the number is small; it might mean 500 or 1,000, and it might be less than that. I have no positive figures, and therefore I am not going to mislead the gentleman or anyone else by giving numbers that I am not positive of. It can not be any large number.

Mr. VAILE. It is a very appealing thing when anybody makes a request in behalf of a man who has been an American soldier. In the first place, those relatives of any who served in the Army of the United States, an alien, have a preference now under existing law. They have the preferential right to come to the United States under the existing quota.

All of our soldiers had a short form of naturalization which they could go through with while in the service. Most of them took advantage of that. I do not see why they could not all have taken advantage of it, but it is now more than five years since the armistice. A man after he was discharged from the Army had plenty of time to file his papers and complete his naturalization up to this time. He did not even have to make a declaration of intention, because his military service was acceptable in lieu of that. The gentleman says that some of them were in the hospitals; but a man could be naturalized even if he was in a hospital.

Mr. CELLER. Will the gentleman yield?

Mr. VAILE. Yes.

Mr. CELLER. Did not the gentleman say the other day when I was stressing the fact that some immigrants were being naturalized, "Off with the old and on with the new"?

Mr. VAILE. I said those people who have the best government were slow in giving it up, but here we have an amendment putting the privilege of a man's relatives on the ground that he rendered military service. Why did he not become a citizen since the war?

Mr. RAKER. Will the gentleman yield?

Mr. VAILE. Yes.

Mr. RAKER. Is it not a fact that during the war, in France as well as in the United States, we had naturalization officers where these men could be naturalized?

Mr. VAILE. Yes, sir.

Mr. RAKER. And all these men had to do was to sign an affidavit, and in five minutes they could be naturalized; and, being naturalized, they could bring their wives and children here.

Mr. LAGUARDIA. If the applicant had a wife on the other side, would that prevent his filing his affidavit?

Mr. RAKER. No; all he has to do is to take two witnesses and go to the court and swear to it, and in five minutes he is naturalized.

Mr. LAGUARDIA. Even if his wife and children were on the other side?

Mr. RAKER. That would not make any difference.

Mr. LAGUARDIA. In some districts, I think, the judge refused to take the application.

Mr. RAKER. Never, yet. The gentleman can not point out where a soldier has been denied because his wife is on the other side.

The CHAIRMAN. The time of the gentleman from Colorado has expired. The question is on the amendment offered by the gentleman from Illinois.

The question was taken; and on a division (demanded by Mr. SABATH) there were—ayes 23, noes 74.

So the amendment was rejected.

Mr. VESTAL. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. VESTAL: At the end of line 17, page 7, add a new section as follows:

"SEC. 4½. (a) Whenever the Secretary of Labor and the Secretary of Commerce shall jointly certify that unemployment exists in the continental United States or any specified Territory or insular possession thereof to such an extent as in their opinion immigration thereto should be suspended in whole or in part from all or certain designated foreign countries, the President of the United States shall by proclamation suspend immigration for the time and to the extent set forth in such certificate, and during such time immigration certificates shall not be issued to any immigrant who is a national of any country designated in such proclamation, nor shall such immigrant be permitted to enter the continental United States or such specified Territory or insular possession thereof.

"(b) Whenever the Secretary of Labor is satisfied that any foreign government has restricted the issuance of passports to certain of its

nationals, or limits the issuance of passports to certain classes or individuals, or otherwise discriminates in the issuance of such passports, he may so certify to the Secretary of State, who shall thereupon order and direct American consular officers to refuse the issuance of immigration certificates to the nationals of such government, and no application for immigration certificate made by or on behalf of a national of such foreign government shall be considered nor shall an immigration certificate be issued to such national during the time such order remains in force.

"(c) Whenever the duly accredited and authorized diplomatic or consular officers of any foreign government upon written application to the Commissioner General of Immigration, approved by the Secretary of Labor, shall fail or refuse to issue to an alien duly ordered deported under the act of February 5, 1917, or any amendment thereto, passports or other documents necessary to the removal and deportation of such alien from the United States to the country of birth or to the country of which such alien is a citizen, the President of the United States may at the request of the Secretary of Labor suspend all immigration from the country whose diplomatic or consular officer fails or refuses to issue such passport or other document for the removal or deportation of such alien to such country: *Provided*, That such order shall be revoked by the Secretary of State when the Secretary of Labor further certifies that such restriction and limitations are removed or that such discrimination is no longer practiced."

Mr. JOHNSON of Washington. Mr. Chairman, I make the point of order against the amendment upon the ground that it is not germane and is new legislation. It carries a number of matters that do not affect this paragraph.

The CHAIRMAN. Certain gentlemen have asked the Chair for recognition to offer amendments to the section that we are now considering. The amendment just offered by the gentleman from Indiana is a new section. In order that those gentlemen shall not lose their rights to offer their amendments, unless some gentleman asks unanimous consent to consider it and then return to it, the Chair would like to recognize those gentlemen first for that purpose.

Mr. LAGUARDIA. Will this be held in abeyance?

The CHAIRMAN. The point of order has been made to this, and the Chair will consider it pending.

Mr. GRIFFIN. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. GRIFFIN: Page 6, line 2, after the word "mother," strike out "over 55 years of age."

Mr. GRIFFIN. Mr. Chairman and gentlemen of the committee, the object of this amendment is to give a humane turn to the law. The avowed reason for the submission of this bill is to mitigate some of the hardships of the old law; and I submit my amendment in order to help you fulfill your promise and in order that certain very grievous conditions may be altered and improved. I can not understand why the concession of exemption from the quota should be made to the parents of citizens over 55 years and denied to those under 55 years of age. If you are considering their mere practical utility as an asset to the country, surely parents under 55 years have more value as factors to produce and will be less likely to become public charges than those over 55 years of age. It seems to me that, from the standpoint of utility if not from that of humanity, we ought to allow the parents who are under 55 to enter this country.

I have had a great deal of experience in the past with the existing immigration law, and on many occasions it has torn my heart to observe the anxiety and the pain and distress of these people who have come to our shores and made good here and have then sought to bring in their parents. I recall one case of a young man who came here with a relative. He went to school and graduated, became a citizen, and was very successful in business. He sought my intervention in order to obtain the admission of his mother. She was a widow. She came to Ellis Island and was held there upon some pretext or other. There were appeals filed and correspondence to and fro between New York and Washington. In the meantime the poor woman suffered from anxiety and distress over her predicament at Ellis Island and was taken sick. I had about succeeded in getting her in when the boy came in to see me one day with tears in his eyes. He said to me: "I asked you, Congressman, to help me get my mother into this country and I thank you for what you did; but they sent me her dead body yesterday." They had held her there practically incommunicado for weeks and weeks, and when the red tape was finally unwound they sent the devoted son a corpse instead of his living mother. I submit that such a condition as this ought not to exist in a civilized country.

Well might the loyal son paraphrase the despair and wrath of Bernardo del Carpio in the beautiful and spirited poem of Mrs. Hemans:

Into these glassy eyes put light!
Be still! keep down thine ire.
Bid these white lips a blessing speak—
This earth is not my sire!

I am not going to discuss your quotas or the merits of the fundamental theory upon which the bill depends. I do not care whether you make the quota 1 per cent or 2 per cent or any other per cent; but by all means, for the honor of our country, put a little humanity into this bill and give some respect to the Ten Commandments. "Honor thy father and thy mother, that thy days may be long in the land." Encourage these men who are here, aliens within our doors, to love, honor, and respect their parents. Do not draw arbitrary lines as to the ages of parents. All mankind are kin. Parental love and filial devotion know no racial lines or barriers elsewhere that I know of except in this bill. A parent is a parent, a mother is a mother, and a father a father, whether they are 40 or 50 or 55 years of age. In all earnestness I ask you to give thought and consideration to this proposal. You should admit the parents of a citizen of the United States irrespective of his or her age.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. CABLE. Mr. Chairman, I rise in opposition and trust the amendment will not be adopted. This bill is filled with humane provisions; but if you load it down too much, this section (a) will be eliminated altogether from the bill. The amendment proposed will destroy the very efforts of the committee to admit certain relatives of citizens into the United States outside of the quota. The Senate committee has reported a bill. It is under consideration, and in that bill it is proposed to count the relatives of American citizens.

In this bill which we have presented to you is a humane provision, and it is proposed to admit the husband, the wife, and unmarried children under 18 years of age and fathers and mothers over 55 years of age of American citizens outside the quota. They may come in and are not counted as a part of the quota.

Mr. CONNERY. Why over 55 years of age?

Mr. CABLE. You have to draw the line somewhere. It was intended at one time in some of the bills introduced to admit the relatives of a declarant, but you have to have a limit somewhere.

Mr. CONNERY. If they are 54 years old, then they will not be permitted to come in?

Mr. VAILE. I call attention to the fact that that age particularly was put in because it corresponded with the provisions of the present law of 1917 with regard to the literacy test.

Mr. CONNERY. Then I understand if they are 54 years old they can not come in?

Mr. VAILE. Yes; under the quota.

Mr. CABLE. The father and mother could come in under the quota as any other person; but if you are not going to provide a limit somewhere, you will have this section defeated and all the relatives of American citizens would have to come within the quota. If you keep it as it is, you will have a humane provision. Two years ago this House passed a law saying that when an alien girl married an American citizen that girl did not by that marriage ceremony become an American citizen. Up to that time she ipso facto became an American citizen and could come in as such. Since that law we have had cases where we have had wives of American citizens seeking admission to the United States, and because the quota of her nationality was filled she could not come in. The idea is to admit first the wives and husbands of American citizens, and it is adding humanity to humanity by having this very provision. If you adopt one amendment and then another, you are going to defeat the very purpose of the bill itself.

Mr. HILL of Maryland. Mr. Chairman, I ask recognition in favor of the amendment.

The CHAIRMAN. The gentleman is not entitled to recognition.

Mr. HILL of Maryland. I move to strike out the last word.

The CHAIRMAN. The gentleman is recognized for five minutes.

Mr. HILL of Maryland. Gentlemen of the committee, you see the value of technicalities. I am in favor of this amendment, because when we adopt a bill which purports to be, but which is not, a permanent policy of immigration we ought to make it as reasonably consistent as possible.

I appeared before the Committee on Immigration and Naturalization in favor of an amendment to the bill to admit mothers and fathers, brothers and sisters, sons and daughters of American citizens, and at the proper time I shall offer that amendment to this bill. The Committee on Immigration and Naturalization did not accept that suggestion. The committee now suggests, however, that the father or mother over 55 years of age may come in. They do not apply the age limit to the husband or wife, although they do apply the age limit to the children, preventing any children of American citizens from coming in who are over 18 years of age.

Mr. GILBERT. Will the gentleman yield?

Mr. HILL of Maryland. I will yield in just a moment. I can understand a permanent immigration policy, which this purports to be, which would shut out all immigration. The United States has got the right to shut all out. I can understand a policy which deliberately and avowedly discriminates. The United States can discriminate if it wants to, although I am against any discrimination, but I can not understand a bill that shuts out or attempts to shut out all but 161,000 immigrants from Europe and permits over 200,000 immigrants to come in from Mexico and Canada. Nor can I understand a bill which shuts out the father or mother under 55 years of age and permits the father and mother over 55 years of age to come in. It is an absurd and illogical discrimination. If you are going to permit mothers and fathers to come in, why not recognize that the mother or the father of 54 or 53 years of age is just as much entitled to entrance because of the citizenship of the son as of other age? I want all mothers and fathers let in of any age.

Mr. GILBERT. The gentleman of the committee who has just spoken said minor children. The gentleman now speaks of children over 18 years of age and above 18 are excluded, and I do not see any reason, although I am in favor of this bill, why an unmarried daughter 18 years of age should be prohibited from joining her father.

Mr. HILL of Maryland. Well, as I understand the bill, an unmarried child under 18 years can come in, but beyond 18 years it can not.

Mr. GILBERT. But they have to be under 18 years of age.

Mr. HILL of Maryland. Yes.

Mr. GILBERT. But an unmarried daughter of 18 can not join her father.

Mr. HILL of Maryland. That is exactly as I understand the bill, and I submit to this committee that it is utterly illogical to prevent the mothers and fathers of a certain age if you are going to let other mothers and fathers come in, and I say the time has come when we, in this country, should not refuse to permit mothers and fathers of American citizens to come in. I am for the admission of all the fathers and mothers of American citizens. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. JOHNSON of Washington. I would like to move that all debate on this amendment and all amendments to this section close in 15 minutes.

The CHAIRMAN. The gentleman from Washington moves that all debate on this section and all amendments thereto close in 15 minutes.

Mr. SABATH. Pending that motion, will the gentleman yield? Now, I have two amendments on which I wish to use about 10 minutes.

Mr. JOHNSON of Washington. The debate is similar on all of them.

Mr. SABATH. No; this is something——

The CHAIRMAN. The Chair will state that the matter is not debatable.

Mr. BROWNE of Wisconsin. Mr. Chairman, I move to amend the motion of the gentleman from Washington by making it 30 minutes.

The CHAIRMAN. The gentleman from Wisconsin moves to amend by making it 30 minutes. The question is on agreeing to the amendment.

The question was taken, and the Chairman announced that the ayes appeared to have it.

Mr. JOHNSON of Washington. A division, Mr. Chairman.

The CHAIRMAN. A division is demanded.

The committee divided; and there were—ayes 27, noes 72.

So the amendment was rejected.

The CHAIRMAN. The question recurs on the motion of the gentleman from Washington [Mr. JOHNSON].

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

Mr. SABATH. A division, Mr. Chairman.

The CHAIRMAN. A division is demanded.

The committee divided; and there were—ayes 98, noes 15.

So the motion was agreed to.

The CHAIRMAN. Debate is limited to 15 minutes.

Mr. PERLMAN. Mr. Chairman, I have a substitute at the desk.

The CHAIRMAN. The gentleman from New York offers a substitute.

Mr. GILBERT. Does this limit to the debate apply to all amendments to the section or amendments to the amendment?

The CHAIRMAN. To amendments to the section.

The Clerk read as follows:

Substitute offered by Mr. PERLMAN for the amendment offered by Mr. GRIFFIN: Page 6, line 1, after the word "the," strike out the balance of subdivision (a) and insert in lieu thereof the following: "husband, wife, father, mother, unmarried minor child, unmarried minor brother or sister of a citizen of the United States who resides therein at the time of the filing of a petition under section 8."

Mr. PERLMAN. Mr. Chairman, toward the close of the last Congress the gentleman from Washington [Mr. JOHNSON], chairman of the Committee on Immigration, reported from his committee an amended Senate bill in which the gentleman from Washington provided as nonquota immigrants, among others, an immigrant who is the husband, wife, father, mother, unmarried minor child, unmarried minor brother or sister, or unmarried minor niece or nephew of a citizen of the United States. I appreciate that it would be difficult to pass an amendment to include an unmarried orphan, niece, or nephew, and so my amendment includes only the husband, wife, father, mother, unmarried minor child, or unmarried minor brother and sister.

If you desire to do anything in this bill for humanity, you should unite the family of a citizen of our country. Why say a parent over 55 shall come in and one of 54 can not come in? Why say that a child under 18 years of age can come in and a child over 18 and under 21 years of age can not come in? We have always considered minors to be those under 21 years of age. You so considered them in the last Congress. Minor sisters and brothers are close relatives of the citizen. In all fairness and justice, I think the committee, and the chairman of the committee, ought to support my amendment, and subscribe to the plan submitted by them to the last Congress, to permit the uniting of families of at least our own citizens. [Applause.]

The CHAIRMAN. The question is on agreeing to the substitute offered by the gentleman from New York [Mr. PERLMAN] to the amendment offered by the gentleman from New York [Mr. GRIFFIN].

Mr. BROWNE of Wisconsin. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Wisconsin moves to strike out the last word.

Mr. BROWNE of Wisconsin. Mr. Chairman and gentlemen, I propose an amendment here in regard to this provision of this bill respecting skilled laborers. Under the interpretation now made by the Department of Labor there is no such a thing as a skilled farm laborer. Consequently, no matter how skilled a farm laborer is, he can not come in as a skilled laborer.

I propose an amendment here that will treat skilled farm labor just the same as skilled artisan labor or skilled mechanical labor, subject to all the conditions and safeguards surrounding the admission of other skilled labor. I ask that in part of my time my amendment be read.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Wisconsin.

The Clerk read as follows:

Amendment offered by Mr. BROWNE of Wisconsin: Page 7, line 9, after the word "case," insert "*Provided*, Skilled farm labor shall be determined the same as skilled mechanical and skilled artisan labor and subject to the same rules and regulations.

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

Mr. BROWNE of Wisconsin. In a moment.

Everybody knows that there is a great scarcity of farm labor in the United States. Farmers are going out of business because they can not get help. I was in Europe last summer, and I was informed that hundreds of thousands of skilled laborers in Germany and some of the Scandinavian countries and in England and Scotland want to come to this country.

Now, the farm laborer certainly can be skilled as much as any class of labor. A man who can go onto a farm nowadays and who knows how to do all kinds of farm work and understands the soils and understands animal husbandry and how to take care of stock dairies and to do general farm work

is a skilled laborer. Over in Europe there are many thousands of these skilled farm laborers.

Many of them live in the cities and go out in the country to work and come back to the cities or villages at night. Yet under a technical ruling of the Department of Labor these skilled farm laborers are prevented from coming here as other skilled labor. I do not see any sense in it, and I believe the people of this country want the class of immigrants who will go into the rural districts and will go out to the farms to work.

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

Mr. BROWNE of Wisconsin. Yes.

Mr. LAGUARDIA. The gentleman realizes that his amendment would bring these skilled laborers under the jurisdiction of the contract labor law?

Mr. BROWNE of Wisconsin. No. This amendment comes in right under that section, with other skilled labor, and is safeguarded by all the safeguards regarding skilled artisan and mechanical labor.

Mr. FISH. Mr. Chairman——

The CHAIRMAN. Will the gentleman from New York yield until the Chair disposes of the pending amendments?

Mr. FISH. I will.

Mr. STEAGALL. Mr. Chairman, I ask recognition in opposition to the pro forma amendment.

Mr. SABATH. Mr. Chairman, there are several amendments pending that ought to be disposed of, so that we may proceed. I have several amendments which I desire to offer later, but I do not wish to encroach upon the time of the committee.

The CHAIRMAN. The Chair asked the gentleman from New York [Mr. FISH] to yield until the Chair had disposed of the pending amendments, but if objection is made the Chair will have to recognize the gentleman from Alabama [Mr. STEAGALL].

Mr. STEAGALL. Mr. Chairman, I desire to read in my time a report in this morning's Washington Post.

Mr. SABATH. Mr. Chairman, I rise to a point of order, not because I do not desire to hear from the gentleman but because the time on this paragraph has been limited to 15 minutes. There are several amendments pending and several gentlemen desire to be heard.

Mr. STEAGALL. I yield the floor for the moment, and will seek recognition later.

The CHAIRMAN. The Chair will, then, recognize the gentleman from New York [Mr. FISH].

Mr. FISH. Mr. Chairman, the amendment I have introduced merely permits the mothers and fathers of naturalized veterans who served in our military or naval forces for at least 60 days during the war to enter the United States, regardless of the age limitation or quota. My amendment would not probably apply to more than a few hundred mothers and fathers who are under 55 years of age, as those over that age are included in the present bill.

We drafted our naturalized citizens and those who had taken out first papers, and nearly all of these later became naturalized. Many of these men volunteered and others were drafted at 18, so that now five years after the war many of their mothers and fathers are in their forties and well under the age limit set in the bill. I think you will agree with me that we owe something to those naturalized citizens who served in our armed forces, and that it would be a simple act of justice to let the mothers and fathers of these former service men, who are citizens of the United States, enter the country if they are under 55 years just as much as if they were above that arbitrarily fixed age. I know there are cases of this kind. I have one in my own district, and I am sure there must be others, but they are very few in number; certainly less than a thousand.

It is very little to ask of Congress, and it should be adopted as an act of gratitude and appreciation for the naturalized citizens who fought in our Army.

There is no class of ex-service men more deserving of appreciation from this House than these naturalized citizens. It seems scarcely conceivable that I should be obliged to come before the membership of this House and plead with you to permit the mothers and fathers of these defenders of our country to enter America, who are under the age limit prescribed in the bill. These men, in my opinion, won the right to bring their mothers and fathers here by the very act of serving in our Army in time of war. I would be willing to send an American transport, escorted by a battleship, to bring to the United States free of charge the mothers and fathers of these naturalized citizens who wore the American uniform. I would go further and arrange such a welcome for them in New York City that every naturalized citizen would remember to his dying day that the people of the United States are proud and grateful for the splendid services of its adopted sons. If this could be arranged I am sure that every war veterans' organization and every patriotic and American organization would be there to extend a heartfelt welcome and, if necessary, to raise a purse to provide for the comforts and to speed these mothers and fathers on their way to good citizenship.

Gentlemen, remember this: There were 400,000 aliens and naturalized citizens who were in our armed forces during the war; they served shoulder to shoulder with the native-born Americans; their record is comparable with the native born for loyalty, patriotism, and bravery. Consider the make-up of the Seventy-seventh Division, composed to a considerable extent of men of Italian and Jewish origin. The record of these men is written in letters of blood upon the annals of that famous division. The New York National Guard Division, known as the "Fighting Twenty-seventh," which broke through the Hindenburg line, had a large sprinkling of naturalized citizens within its ranks, and many of them are still buried in the American cemetery at Bony, France. In New York City there are plenty of ex-service men of Italian origin, of Jewish origin, and of Polish origin who received the very highest decorations for gallantry in battle, and there are also thousands of them who paid the supreme sacrifice on the fields of Flanders and France. I think this amendment would be acceptable to all the veterans of the World War and I think it should be acceptable to everybody who understands it. It is only a very, very little thing to do by way of expressing our appreciation of their services during the war. [Applause.] You and I have spoken before Legion posts and told them we wanted to do everything we could for the ex-service men; we have repeated the same thing here in Congress, and we now have a chance, without any cost and without any appropriation whatever, to simply show our gratitude to these naturalized soldiers who fought for their adopted country and went forth asking no favors, but ready even to lay down their lives for America. I hope this amendment will prevail. [Applause.]

Mr. OLIVER of New York. Mr. Chairman, I offer an amendment which I send to the desk.

The CHAIRMAN. There are several amendments already pending.

Mr. OLIVER of New York. I thought the Chair was allowing us to present these amendments and then voting on them in sequence?

The CHAIRMAN. The gentleman may have his amendment read for information, if he desires, or the Chair will dispose of the pending amendments and then the gentleman may offer his amendment.

Mr. OLIVER of New York. I will withhold my amendment for the present.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from New York [Mr. PERLMAN] as a substitute for the amendment offered by the gentleman from New York [Mr. GRIFFIN].

Mr. BOX. Mr. Chairman, may we have the substitute reported?

The CHAIRMAN. Without objection, the Clerk will again report the substitute.

The Clerk again read the substitute.

The question was taken, and the substitute was rejected.

The CHAIRMAN. The question now recurs on the amendment offered by the gentleman from New York [Mr. GRIFFIN].

Mr. GRIFFIN. Mr. Chairman, I ask that the amendment proposed by me may be read with the text of the paragraph so that it will be understood.

The CHAIRMAN. Without objection, the amendment will again be read with the text of the paragraph.

The Clerk read the amendment, as follows:

(a) An immigrant who is the unmarried child under 18 years of age, father or mother, husband, or wife, of a citizen of the United States who resides therein at the time of the filing of a petition under section 8.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from New York [Mr. GRIFFIN].

The question was taken; and on a division (demanded by Mr. GRIFFIN) there were—ayes 44, noes 68.

Mr. GRIFFIN. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chairman appointed as tellers Mr. GRIFFIN and Mr. JOHNSON of Washington.

The committee again divided; and the tellers reported—ayes 48, noes 78.

So the amendment was rejected.

Mr. GILBERT. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Kentucky offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. GILBERT: Page 6, lines 1 and 2, after the word "child," strike out "under 18 years of age."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Kentucky.

The amendment was rejected.

Mr. OLIVER of New York. 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. OLIVER of New York: Page 7, after line 17, insert a new subsection to read as follows:

"(h) Any person admitted under the following power: The President shall have power to permit the admission to the United States, under such terms and conditions as he shall prescribe, in excess of any quota hereinbefore provided, any person who, in his judgment, is seeking asylum from tyranny or persecution in any other country."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from New York.

The amendment was rejected.

Mr. CONNERY. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Massachusetts [Mr. CONNERY] offers an amendment, which the Clerk will report.

The Clerk read as follows:

On page 7, after line 17, add the following paragraph:

"(h) An immigrant who served in the armed forces of the United States during the period of any war, or the wife, husband, child, father, mother, brother, or sister of such immigrant."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Massachusetts [Mr. CONNERY].

The amendment was rejected.

The CHAIRMAN. The gentleman from New York [Mr. FISH] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. FISH: Page 7, after line 17, insert a new subsection, to read as follows:

"An immigrant who is the father or mother of any citizen of the United States who served for 60 days or more in the military or naval forces of the United States at any time after April 5, 1917, and before November 12, 1918, and was honorably discharged therefrom."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from New York [Mr. FISH].

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

Mr. FISH. Mr. Chairman, I demand tellers.

The CHAIRMAN. The gentleman from New York demands tellers. Those in favor of ordering tellers will rise and stand until counted. [After counting.] Eighteen gentlemen have risen, not a sufficient number.

Mr. FISH. Mr. Chairman, I ask for a division.

Mr. JOHNSON of Washington. Mr. Chairman, I make the point of order that that request comes too late.

The CHAIRMAN. There was not a sufficient number for tellers.

Mr. FISH. Mr. Chairman, I ask for a division.

The CHAIRMAN. The gentleman from New York asks for a division. As many as are in favor of the amendment——

Mr. VAILE. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. VAILE. Can a division be asked for after a demand for tellers has been made and refused on account of an insufficient number?

The CHAIRMAN. Does the gentleman make a point of order to that effect?

Mr. VAILE. I do. I think the demand for a division comes too late.

The CHAIRMAN. The Chair will hear the gentleman on the point of order.

Mr. VAILE. Mr. Chairman, it is a new proposition to me, I will admit, but the demand for tellers is a demand for a higher form of count and it seems to me that a demand for a division must necessarily precede a demand for tellers.

Mr. BUTLER. Mr. Chairman, the gentleman from New York [Mr. FISH] was asking for a division and he could not be heard and somebody else demanded tellers. I stood right by him.

Mr. BROWNE of Wisconsin. Mr. Chairman, in reference to the point of order, if the contention of the gentleman from Colorado [Mr. VAILE] was correct, then in any case some one could jump up and make a motion for tellers and be voted down and that would preclude anyone else from calling for a division or making a motion for a yea-or-nay vote.

Mr. VAILE. No; quite the reverse, because a yea and nay vote is a still higher form of count.

Mr. BROWNE of Wisconsin. I mean making a motion for a division, and I submit that because a person asks for tellers that does not preclude him from asking for a division.

Mr. BUTLER. Mr. Chairman, it was within the rights of the gentleman from New York to demand a division, and the gentleman did demand a division—I was standing by him—and somebody else demanded tellers, and I do not think it is right——

Mr. VAILE. Mr. Chairman, if the gentleman was on his feet demanding a division, I withdraw my point of order.

The CHAIRMAN. The gentleman from Colorado withdraws his point of order.

Mr. RANKIN. Mr. Chairman, I make the point of order. The gentleman from Colorado has argued it, and I ask for a ruling.

Mr. MURPHY. Mr. Chairman, I ask unanimous consent that the amendment of the gentleman from New York [Mr. FISH] be again reported.

Mr. BYRNS of Tennessee. Mr. Chairman, I submit the point of order should be acted on before such a unanimous-consent request is made.

The CHAIRMAN. A viva voce vote had been taken on the amendment offered by the gentleman from New York [Mr. FISH]. The Chair declared the amendment lost. Whereupon the gentleman from New York, or some other gentleman, the Chair was under the impression it was the gentleman from New York himself, asked for tellers. On a demand for tellers, tellers are not ordered unless the demand is supported by 20 Members. There was not a sufficient number rising to order tellers. The question that is presented here is whether a demand for tellers having been made the proceedings have elapsed so that the gentleman from New York loses his right to demand a division. The Chair is of the opinion that the gentleman from New York at the time that a demand for tellers was made, whether he made it himself or not, was entitled to a division, and that that request for a division would have had precedence of a demand for tellers. The gentleman from New York [Mr. FISH] not having demanded a division then, and subsequent proceedings having occurred, the Chair is of the opinion that it then is too late to demand a division. The Chair is of that notion, but being a novel question, if any gentleman desires to discuss the matter, the Chair will be very glad to hear him.

Mr. FISH. Mr. Chairman, I ask unanimous consent for a division on this amendment.

Mr. QUIN. I object, Mr. Chairman.

Mr. WINGO. Mr. Chairman——

Mr. FISH. Mr. Chairman, a parliamentary inquiry. Is it in order to offer an amendment? I would like to offer an amendment striking out one word of the amendment.

The CHAIRMAN. The Chair will state to the gentleman that his amendment having been lost, if the gentleman desires to offer a new amendment it will be in order, but the Chair will not rule on the point of order until he has heard the gentleman from Arkansas [Mr. WINGO].

Mr. WINGO. Mr. Chairman, I was in the rear of the Hall and I may be in error. Did I understand the Chair to take the position that a demand for a division took precedence over a demand for tellers? I am not sure, but my understanding has always been that a demand for tellers takes precedence over a demand for a division, just like a demand for the yeas and nays takes precedence over a demand for a division. In other words, the most cumbersome demand takes precedence over the simplest demand, and, as I recall, that is the reason. My recollection is that it certainly has been the practice in the House when somebody was demanding a division and some one else demanded tellers that the question of whether or not the call for tellers was sustained was immediately put. I am under that impression, and I think if the Chair will reflect the Chair will recall that that has been the custom of the House.

The CHAIRMAN. Let the Chair ask the gentleman from Arkansas whether, in his opinion, additional proceedings having occurred after the demand for a division should have been made, whether or not the gentleman then has waived his right to demand a division.

Mr. WINGO. No; I will say to the Chair. Here is what I have in mind: Take as an illustration an occasion that most frequently arises on the question of a demand for yeas and

nays. If you demand the yeas and nays while a division call is pending, then the Chair must ascertain whether or not you will have the yeas and nays; and if that demand fails, then there stands the call for a division which the gentleman who made it or anyone else can renew. As I understand it, the gentleman from New York [Mr. FISH] first made a demand for a division. [Cries of "No!" "No!"] Or for tellers. The gentleman first made a demand for tellers.

The CHAIRMAN. And that demand was refused.

Mr. WINGO. Yes. I am inclined to think that he is entitled to a demand for a division.

Mr. RAKER. Mr. Chairman, if the gentleman will permit, suppose a demand for tellers was made first, could you then have a division? Does the gentleman tell the Chair that you could go back and be deprived of the right of having tellers, which is always paramount and which is the final judgment so far as the committee is concerned? That is the highest vote you can have in the committee.

Mr. WINGO. But that demand for tellers failed.

Mr. RAKER. Does the gentleman hold that they can go back and ask for a division after having failed to get tellers?

Mr. WINGO. No; I think you can have but one demand for tellers on one vote. If that demand fails and you have not had a division, you can have the division.

Mr. RAKER. Is not the teller vote the highest in the committee?

Mr. WINGO. Yes.

Mr. RAKER. If you have had the highest vote and it is lost, how can you go back and have a division?

Mr. WINGO. The gentleman misunderstands me. If you have the vote by tellers, that wipes out the division; but if the call for tellers is not sustained and the House does not divide by tellers, then you can have a division by a standing vote.

Mr. RAKER. The highest vote is that by tellers.

Mr. WINGO. Yes; in the committee, but it was refused. I am simply giving my opinion; I do not care about it one way or the other.

Mr. TILSON. Mr. Chairman, this is an important matter, and if the Chair has no precedent that controls, I should like to be heard. It is clear that a viva voce vote having been taken there exists a right to have a division. Any one Member can demand a division, and it must be granted to him. The demand for tellers is a higher demand, or at least it is a more accurate method of taking the vote. Tellers having been asked for and refused, it does not seem to me that a Member should be deprived of his right to demand a division.

Mr. WINGO. The committee has a right to decide whether the division shall be by standing vote or by tellers, and for that reason they might vote down the taking the vote by tellers.

Mr. TILSON. That is my contention, that a Member ought not to be deprived of his right to have a division. If it were so that he could be deprived of it by some one demanding tellers and then voting down the demand, the Member would be deprived altogether of his right to a division. It seems to me that this might lead to a practice of tellers being asked for and refused, thereby defeating the right to even a division, with the result that a vote might be decided without an opportunity for determining its accuracy otherwise than by a viva voce vote.

Mr. RANKIN. Mr. Chairman, we first took a vote on the question which the Chair put, "those in favor of the amendment say aye, and those opposed no." The motion was lost. Then the gentleman from New York [Mr. FISH] demanded tellers, and an insufficient number rose to give tellers. What does that indicate? One of two things, either that the Members of the House are afflicted with physical indolence, or else they were satisfied with the vote already taken and did not care to vote on it again. It was a confirmation.

When they refused to rise in a sufficient number to take another vote—and that is what tellers are for, to count a vote of the committee—when they refused to rise in sufficient numbers to ask for tellers, that was a confirmation of the vote already taken.

Mr. BLACK of Texas. Will the Chair hear me for a moment on the point of order?

The CHAIRMAN. The Chair will hear the gentleman.

Mr. BLACK of Texas. Suppose this proceeding was in the House and not in the Committee of the Whole and a demand was made directly by a Member for the yeas and nays. That is the highest form of a vote—and suppose the yeas and nays should be refused. Would that cut the party off from demanding tellers? No. We have a precedent for that on page 25 of the manual in section 80. It says:

A demand for tellers is not precluded or set aside by the fact that the yeas and nays are demanded and refused.

Suppose a Member should demand the yeas and nays and the yeas and nays are refused. Then he gets up and says, "Mr. Speaker, I demand tellers" and you could not raise the point that the failure to get the yeas and nays precluded him from having the next best record vote. I submit that the precedent, which I have just cited, would certainly be in line with the situation we now have.

Mr. RAKER. Will the gentleman yield?

Mr. BLACK of Texas. Yes.

Mr. RAKER. Take your own argument, the demand for tellers has been refused and then you permit a division, would you be entitled to ask for tellers again on the same matter?

Mr. BLACK of Texas. I do not think it is necessary to answer that inquiry at this time because in the face of the precedent I have just cited to the Chair—and we go by precedents—it is clearly the right of the gentleman to ask for a division.

Mr. WATKINS. The man has a right to ask for a division; when he demands tellers does he waive that right?

Mr. BLACK of Texas. I think not.

Mr. STEAGALL. The House has a right to divide and have a vote by tellers or have the yeas and nays?

Mr. BLACK of Texas. In the House.

Mr. STEAGALL. Yes; does the denial of one vote preclude you from the other?

Mr. BLACK of Texas. I do not think so. I think the gentleman from New York is entitled to a division.

The CHAIRMAN. The Chair is ready to rule. At first blush the Chair was of opinion that failure by the gentleman from New York [Mr. FISH] to demand a division at the time, and to at least have it pending, was a waiver of his right to later demand it. The precedent in Volume V, section 5998, cited by the gentleman from Texas [Mr. BLACK] is not quite in point, but it comes very near it. In that case there was a demand for tellers and another Member demanded the yeas and nays. The yeas and nays were refused. The Chair then held that the pending demand for tellers was not obliterated by the failure to get the yeas and nays. In the present case there was no demand pending for a division. However, this seems to be a novel question, and the Chair is not going to follow his first-blush opinion but is going to follow the suggestions later made and not deprive the Member of the right to a definite division upon his amendment. The Chair overrules the point of order. The question now recurs upon the amendment offered by the gentleman from New York [Mr. FISH].

Mr. FISH. Mr. Chairman, may we have it again reported?

The CHAIRMAN. Without objection it will be again reported.

There was no objection and the Clerk again reported the Fish amendment.

The committee divided, and there were—ayes 47, noes 84.

So the amendment was rejected.

Mr. CELLER. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. CELLER: Page 7, line 9, after the word "case" insert as a new paragraph, to be known as paragraph LL:

"An immigrant, who is an unskilled laborer, if unskilled labor be scarce in this country, and the question of the necessity of importing such unskilled labor in any particular instance shall be determined by the Secretary of Labor upon written application of any person interested; such application to be made before the issuance of the immigration certificate and such determination by the Secretary to be reached after a full hearing and an investigation in the facts of the case."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from New York.

The amendment was rejected.

Mr. DICKSTEIN. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. DICKSTEIN: Page 7, line 17, after subdivision "g" of section 4 and immediately preceding section 5, insert the following section:

"QUOTA RELATIVE IMMIGRANTS

"(a) When used in this act the term "quota immigrant" means any immigrant who is not a nonquota immigrant.

"(b) When used in this act the term 'quota relative immigrant' means an immigrant who is the husband, wife, or unmarried minor child of an alien who (1) has been legally admitted to the United States, (2) has resided in the United States continuously for at least

two years immediately prior to the time of the filing of the petition under section 8, and (3) has, at least one year prior to the time of the filing of the petition under section 8, declared his intention in the manner provided by law to become a citizen of the United States.

"(c) In the issuance of visé certificates preference shall be given to a quota relative immigrant who is the unmarried child under 21 years of age, the husband, or the wife of a declarant of the United States."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from New York.

The amendment was rejected.

Mr. BROWNE of Wisconsin. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. BROWNE of Wisconsin: Page 7, line 9, after the word "case," insert "*Provided*, Skilled farm labor shall be determined the same as skilled mechanical and skilled artisan labor and governed by the same rules and regulations."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin.

The amendment was rejected.

Mr. HILL of Maryland. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Page 7, line 17, strike out the paragraph and substitute the following: "That the parents, brothers, sisters, and children of American citizens who otherwise comply with the mental, moral, and physical standards prescribed by immigration laws of the United States, shall be admitted into the United States regardless of limitations imposed by quota regulations."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Maryland.

The amendment was rejected.

Mr. SABATH. Mr. Chairman, I offer the following amendmen, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. SABATH: Page 7, line 16, after the word "university," strike out the following words: "particularly designated by him."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois.

Mr. SABATH. Mr. Chairman, I ask unanimous consent that I may proceed for five minutes.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to proceed for five minutes. Is there objection?

Mr. FREE. Mr. Chairman, I object.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois.

The amendment was rejected.

Mr. SABATH. Mr. Chairman, I offer the following amendmen, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. SABATH: Page 6, lines 20 and 21, strike out after the word "who" "continuously for at least two years immediately."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois.

The amendment was rejected.

Mr. SCHAFER. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. SCHAFER: Page 7, strike out all of subsection (e).

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Wisconsin.

The amendment was rejected.

The CHAIRMAN. The question now recurs upon the amendment offered by the gentleman from Indiana [Mr. VESTAL] as a new section, to which there was a point of order reserved. The Chair will hear the gentleman from California on the point of order.

Mr. RAKER. Mr. Chairman, I have not had the time to really read the amendment or to go into it fully, but I call the Chair's attention to the fact that it takes the handling of immigration out of the hands of Congress and places it in the Secretary of State, and if he determines certain things he can admit or reject.

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

Mr. RAKER. Yes.

Mr. BEGG. Does the gentleman deny that the Congress has that right?

Mr. RAKER. I do.

Mr. BEGG. Why we did the same thing with the tariff act.

Mr. RAKER. But this is not the tariff act.

Mr. BEGG. No; but it is the same principle of legislation.

Mr. SABATH. Oh, the gentleman is wrong. This is an immigration bill.

Mr. RAKER. Mr. Chairman, I think the point of order is good, although others may differ with me, because this amendment is legislation not relating to the bill.

Mr. BEGG. What does the bill relate to.

Mr. RAKER. It relates to turning this whole subject over to the Secretary of State.

Mr. BEGG. Oh, no.

Mr. RAKER. Read the amendment and see.

Mr. BEGG. I did read it.

Mr. RAKER. I hope the gentleman will read it again.

Mr. BEGG. Mr. Chairman, I think it is almost a waste of time to argue the question of germaneness if that is the point of order. I ask if that is the point of order? The only thing necessary, it seems to me, to say on the proposition, is that the whole bill deals with the subject of regulating the number of immigrants who are to be admitted into this country. That being true, if the bill regulates down to 200, it certainly is germane to regulate it down to nothing. I think that is all that is necessary to be said.

The CHAIRMAN. The Chair is ready to rule. The amendment offered by the gentleman from Indiana [Mr. VESTAL] as a new section reads as follows:

SEC. 4½. (a) Whenever the Secretary of Labor and the Secretary of Commerce shall jointly certify that unemployment exists in the continental United States or any specified Territory or insular possession thereof to such an extent as in their opinion immigration thereto should be suspended in whole or in part from all or certain designated countries, the President of the United States shall by proclamation suspend immigration for the time and to the extent set forth in such certificate, and during such time immigration certificates shall not be issued to any immigrant who is a national of any country designated in such proclamation, nor shall such immigrant be permitted to enter the continental United States or such specified Territory or insular possession thereof.

(b) Whenever the Secretary of Labor is satisfied that any foreign government has restricted the issuance of passports to certain of its nationals, or limits the issuance of passports to certain classes or individuals, or otherwise discriminates in the issuance of such passports, he may so certify to the Secretary of State, who shall thereupon order and direct American consular officers to refuse the issuance of immigration certificates to the nationals of such government, and no application for immigration certificates made by or on behalf of a national of such foreign government shall be considered, nor shall an immigration certificate be issued to such national during the time such order remains in force.

Then (c) gives the Commissioner of Immigration, approved by the Secretary of Labor, certain powers in reference to deportation. The question of germaneness in this latter section is not entirely clear, but the Chair is inclined to the opinion that the amendment is germane. The whole bill deals with the question of restricting the number of aliens who can come to this country, and it seems to the Chair that an amendment providing that all could be kept out for a certain time would be germane, and that, regardless of the fact that it departs from the general trend of the bill, it does not depart to such an extent as to affect the germaneness, and therefore the point of order is overruled.

Mr. JOHNSON of Washington. Mr. Chairman, I want to see if we can not agree that debate on this paragraph close in seven minutes, five to the gentleman from Indiana, and two to myself.

The CHAIRMAN. The gentleman from Washington asks unanimous consent that debate on this amendment and all amendments thereto close in seven minutes.

Mr. LAGUARDIA. Mr. Chairman, I move to amend by adding one minute.

The CHAIRMAN. It is a unanimous-consent request.

Mr. LAGUARDIA. Make it eight minutes.

Mr. JOHNSON of Washington. I will make it eight minutes.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. VESTAL. Mr. Chairman and gentlemen of the committee, I hope that the chairman of the Committee on Immigration does not think that I am offering amendments in any way to impede or obstruct the passage of this measure. That is not my purpose at all, but it seems to me that the amend-

ment which I have offered here will help this bill. I think that the proposition that the President may in an emergency suspend immigration in part or entirely is a sound proposition.

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

Mr. VESTAL. I have not the time; I have only five minutes.

Mr. RAKER. Does the gentleman argue that the provisions of this amendment would be within the provisions of the Constitution and we as a Congress could turn over these powers?

Mr. VESTAL. Absolutely. It has been done before in other measures here. Suppose we have an emergency in the United States like we did have here a few years ago, when we had 5,000,000 men out of employment in this country. Do you think it would not be a proper thing to absolutely suspend immigration into this country in the interest of labor? My amendment is in the interest of labor in this country under such conditions.

Mr. SCHNEIDER. Will the gentleman yield?

Mr. VESTAL. For a question; yes.

Mr. SCHNEIDER. In case there was a demand for a million or two workers this year and the President suspended the law and admitted them, what would be the situation in case there was unemployment the year following?

Mr. VESTAL. The proposition in this bill—I have not the time to answer that sort of a question, because the gentleman does not understand the amendment. If there is an emergency or if an emergency should arise in this country, under my amendment the President would have the right to further restrict or to suspend immigration entirely from any of those countries or from all of them. The amendment does not permit an increase in the number of immigrants at any time, but in an emergency allows the President to further restrict. The second proposition is very important, too, if you will stop and think about it. Whenever the Secretary of Labor is satisfied that any foreign government has restricted the issuance of passports to certain of its nationals or limited the issuance of passports to certain classes or individuals or otherwise discriminates in the issuance of such passports the President may by proclamation stop immigration from such country so discriminating.

Mr. BEGG. Will the gentleman yield?

Mr. VESTAL. I will.

Mr. BEGG. I think there is a misunderstanding and that the gentleman did not make himself clear. His amendment, if adopted, does not permit the President to lift immigration and let a greater number in.

Mr. VESTAL. Oh, certainly not. On the other hand, it permits the President to further restrict or absolutely prohibit immigration.

Mr. COOPER of Ohio. Will the gentleman yield?

Mr. VESTAL. I can not yield.

I understand that some of these foreign countries from which immigrants are coming in here refuse to grant passports to men under 45 years of age. They discriminate. They want to send into this country the people they want to send. I want an immigration bill that will give America the right to say whom she will permit to come. I understand that in other countries they debate the question as to whether or not they are going to spend a certain amount of money in building great penal institutions or whether they will use that money to help pay for the passports to send their criminals into the United States. In a case of that kind I think we ought to have the right—the President ought to have a right—to prohibit immigration entirely.

Then I am informed by the Secretary of Labor that we have another proposition. That is under paragraph (c):

Whenever the duly accredited and authorized diplomatic or consular officers of any foreign government, upon written application to the Commissioner General of Immigration, approved by the Secretary of Labor, shall fail or refuse to issue to an alien duly ordered deported under the act of February 5, 1917, or any amendment thereto, passports or other documents necessary to the removal and deportation of such alien from the United States to the country of birth or to the country of which such alien is a citizen, the President of the United States may, at the request of the Secretary of Labor, suspend all immigration from the country whose diplomatic or consular officer fails or refuses to issue such passport or other document for the removal or deportation of such alien to such country: *Provided*, That such order shall be revoked by the Secretary of State when the Secretary of Labor further certifies that such restrictions and limitations are removed or that such discrimination is no longer practiced.

That thing has occurred in the last year, and in the last two years. We ought to have some recourse, and if this amendment is adopted and the President be given the right under such circumstances to stop immigration entirely from that country, it would have a very salutary effect. I shall for myself oppose all amendments to this bill that seek to increase the number of immigrants permitted to come to our shores and support amendments seeking to more effectually restrict.

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

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

The CHAIRMAN. The gentleman has that permission.

Mr. JOHNSON of Washington rose.

The CHAIRMAN. The gentleman from Washington is recognized.

Mr. JOHNSON of Washington. Mr. Chairman, I wish to say in the few minutes that I have reserved to oppose this amendment that while it has some good features, it contains at least one dangerous proposition. We are trying to write a bill here that will conform with the treaties that we have made with other nations. We are too big a country to put a threat into a law. We are giving power here to consuls to reject for certain causes. If there is anything that may properly be used to prevent certain persons from coming as immigrants, it may and will be done. That is one thing; but, gentlemen, to provide in the law that we are now writing that if a nation does not conform with what we have written into law we will do so and so is dangerous, and may involve us in trouble with respect to our treaties. The matter has been considered by the committee, and some of the proposals here proposed have been before the committee many times, considered carefully, and rejected.

Mr. LAGUARDIA. Mr. Chairman, the amendment offered by the gentleman from Indiana [Mr. VESTAL] gives the necessary elasticity to a scientific immigration policy. There should be power to stop immigration at any time that the economic condition requires, and the economic condition of the country should be the only test and only measure affecting immigration regulations.

Now, then, if we have a condition in the country at a time when Congress is not in session I do not share with the gentleman from Washington [Mr. JOHNSON] the belief that our proposed action would be in violation of an existing treaty. We have the power to stop immigration entirely if the economic condition requires.

The CHAIRMAN. The time of the gentleman has expired. All time has expired. The question is on agreeing to the amendment offered by the gentleman from Indiana [Mr. VESTAL].

Mr. FISH. 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. FISH: Page 7, line 17, add a new section as follows:

"An immigrant who is the mother of any citizen of the United States who served for 60 days or more in the military or naval forces of the United States at any time after April 5, 1917, and before November 12, 1918, and was honorably discharged therefrom."

Mr. JOHNSON of Washington. Mr. Chairman, I make the point of order that it has already been voted on.

Mr. FISH. Mr. Chairman, the difference between this amendment and the one already voted on is simply that I have stricken out the word "father." This is an entirely different amendment.

The CHAIRMAN. The Chair overrules the point of order. The question is on agreeing to the amendment.

The question was taken, and the amendment was rejected.

The CHAIRMAN. The question now recurs on the amendment offered by the gentleman from Indiana [Mr. VESTAL].

The question was taken, and the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

QUOTA IMMIGRANTS

SEC. 5. When used in this act the term "quota immigrant" means any immigrant who is not a nonquota immigrant.

Mr. NEWTON of Minnesota rose.

The CHAIRMAN. For what purpose does the gentleman from Minnesota rise?

Mr. NEWTON of Minnesota. To offer an amendment.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Minnesota.

The Clerk read as follows:

Amendment offered by Mr. NEWTON of Minnesota: Page 7, line 21, strike out section 5.

Mr. NEWTON of Minnesota. Mr. Chairman and gentlemen, I want to preface the few remarks I shall now make in expressing my appreciation of the excellent work that has been done on this important question by the Committee on Immigration and the distinguished gentleman from Washington, its able chairman.

We are now considering who are quota immigrants. This is most important, for if a mistake is made here we weaken the quota provisions to that extent. I regret to say that the United States Court for the Southern District of New York, and even the circuit court of appeals for that circuit, have so construed the quota law as to take most of the teeth out of it, if their construction should happen to be sustained by the United States Supreme Court. The effect of the decisions caused the steamship companies to give great publicity to them, for it would have meant thousands of additional immigrants in excess of the quota. I have read the law carefully, and the decisions. I think the court is clearly wrong and one can not read the opinion without getting the distinct impression that the court has been unconsciously influenced by local environment or the claimed humanities of the case to change the express will of Congress.

The first case is the Gottlieb case, found in Two hundred and eighty-fifth Federal, page 295 (C. C. A.). It involved the wife and child of a declarant, a Jewish rabbi. They were excluded as in excess of quota. There is no question but what he was entitled to enter, regardless of the quota provisions.

The court held that the quota law did not apply to them as the wife and child of a minister of a religious denomination, and that they also were without the quota. In its opinion the court refers to the hardships connected with the separating of the family. They apparently proceeded upon the theory that the father was obliged to come here. This, of course, was not the case. He came voluntarily and he could return at any time if he desired to do so. However, the principal point is that these are questions of policy for the legislative branch of the Government to determine, and not the judicial.

The next case was the Markarian case found in 290 Federal, 198 (C. C. A.). Here they went much further. Markarian was an Armenian merchant. He was a declarant and had lived here about eight years. He went home for a temporary visit and brought back a wife with him. The quota was exhausted. He was admitted under the law, because his visit abroad was but temporary. She was excluded because in excess of quota. The court, however, held that the quota law did not apply to the wives or children of resident aliens returning to their country temporarily for a visit only.

Mr. Chairman, you can see what these two decisions would do to the quota law. I am informed that the district court in New York City has also sustained adoption proceedings where the child was not in court, being overseas and appearing by a guardian ad litem, or something of that sort. If this were practiced, it would permit thousands to come in in excess of quota. The next step would be to have nonresident aliens appear by proxy or through some other device in some one of the 48 States of the country and adopt resident children. Thereupon these nonresident aliens, being the "parents" of these resident children, could come in in excess of quota. Then these parents upon arriving here could in turn appear in the court, and through the medium of a guardian ad litem adopt alien nonresident children, and so the endless chain would go on.

Then there was the case of United States ex rel Berjoohi et al. against Tod. I do not recall the citation. The quota from Armenia was exhausted. Two young women were permitted to enter here without regard to the quota as "students." They were not intending to go to any academy or college, or any cultural place of learning. The courts permitted them to come in without regard to the quota and pursue a business course in one of the business or commercial schools. I do not know but what it may have been an evening course.

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

Mr. NEWTON of Minnesota. In a moment.

Mr. LAGUARDIA. You are in error about the evening college.

Mr. NEWTON of Minnesota. Certainly; or commercial college.

Mr. JOHNSON of Washington. Or business college.

Mr. NEWTON of Minnesota. What is the difference between a student in a commercial college and in a business college? The vast majority of the students attend classes in the evening.

The effect of these several decisions, if sustained, will be to destroy the numerical limitations contained in the present quota law.

Mr. Chairman, I believe that a careful reading of the 1917 immigration act and the 1920 quota law and the decisions of these courts will convince you that the courts are wrong in their construction of the quota law. The Government has appealed some of these cases and possibly all of them.

The Attorney General clearly shows the error of the Circuit Court of Appeals in the brief that he has submitted to the Supreme Court in the Gottlieb case. I do not see how that court can do otherwise but reverse.

However, the Committee on Immigration in drafting this bill have taken steps to clear up any possible ambiguity (and I do not think there is any ambiguity). They have done this out of an excess of caution, so to speak. From my examination of the bill I take it that they have endeavored to take care of each and every proposition involved in these New York decisions and to avoid any possibility of any such construction in connection with the application of this particular law. It is largely for this reason that I am calling attention to these propositions at this time. Is not my understanding correct?

Mr. JOHNSON of Washington. Exactly so, the key being the definition of "immigrant."

The CHAIRMAN. The time of the gentleman has expired.

Mr. LUCE. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from Massachusetts rises in opposition to the amendment, and is recognized for five minutes.

Mr. LUCE. It chances that the New England States have no member on the Committee on Immigration; it chances also that the New England States, by their neighborhood to what we call the Provinces, have a particular interest in this legislation. Recognizing that we had nobody on the committee who might call to the attention of its members our peculiar needs I conceived it my duty, as one member of the delegation from the New England States, to devote some attention to this bill. I studied it through many hours, and I desire to congratulate the chairman of the committee on its most excellent workmanship.

Of the notes I made for possible changes, only one relates to any paragraph after the point that we have reached. I did, however, make from six to eight memoranda about the section over which we have just passed. My experience in that regard was evidently like that of other Members, judging from the large number of amendments offered to that section, many of which were wholly deprived of opportunity for explanation.

I rise now simply to record, for the benefit of the people of New England and the district that I represent, that my earnest and serious attempt to present these amendments and the considerations relating thereto did not meet the approval of the chairman of the committee.

Mr. WATKINS. Will the gentleman yield?

Mr. LUCE. I decline to yield.

The result was that I was prevented from submitting here the considerations which seemed to me of such grave importance to that part of the country where I reside. I also desire to put on record the fact that with the most microscopic examination I can give to this measure I do not find in it one ounce of the humanity which we were promised should be here placed. I do not find a lessening by one atom of the burden that is put upon the Members of Congress by the present law as a result of the harassing situations in regard to divided families and those unfortunates in dire straits.

Yesterday the Senate passed a resolution—which I suppose has reached here by this time and which therefore may, with propriety, be discussed—a resolution adopted solely for the purpose of admitting into this country three Russian waifs, three little children, all under 10 years of age, kept at Ellis Island for four months by the brutal provisions of the present law.

You have done nothing to lessen this sort of thing. You have not relieved us. Our own burdens, however, are of small account compared with the far more important consideration that by this bill you have done nothing to lessen the miseries of mankind.

Therefore, inasmuch as you will not listen to the needs of New England, and inasmuch as you will not keep your own promises that the hardship of the situation should be relieved

you may not be surprised if you do not receive our approval of this measure when it comes to a final vote. [Applause.]

Mr. WATKINS. Mr. Chairman, I move to strike out the paragraph.

The CHAIRMAN. The Chair will state to the gentleman that that motion is already pending.

Mr. WATKINS. Let me say that the gentleman from Massachusetts, in spite of his apparent interest in the bill, during all the time this committee has been holding hearings on this matter has not appeared before the committee, to my knowledge, and has not given us a single suggestion, constructive or otherwise. This belated zeal, certainly the criticism, is I submit somewhat out of order.

Mr. NEWTON of Minnesota. Mr. Chairman, I ask unanimous consent to withdraw the amendment I offered.

The CHAIRMAN. Without objection, the amendment will be withdrawn.

There was no objection.

Mr. SABATH. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Illinois is recognized.

Mr. SABATH. Mr. Chairman, a few moments ago I offered an amendment, and, of course, due to the motion which prevailed, I was precluded from explaining it. The amendment to which I have reference is that which sought to amend paragraph (g) in section 4, which has to do with excluding students from American institutions.

Now, I want you gentlemen to know that, unfortunately, I am not connected with nor do I control any university or any college, but I am interested in each and every one of our universities and colleges, because, due to these universities and colleges, we have been able to bring enlightenment, education, and the American point of view to the entire civilized world.

This paragraph in the bill will make it nearly impossible for any of the foreign nations to send any of their students here because of the harsh provisions. What I did desire to exclude was the provision whereby a student would beforehand have to designate the university or college he intended to attend before he would be admitted.

Now, I know in many instances when the student would arrive here he would ascertain that some other college or some other university would be of greater benefit to him than the one he originally had in mind.

Mr. NEWTON of Minnesota. Will the gentleman yield?

Mr. SABATH. I can not yield now. I will yield later, if I have the time. Gentlemen, this will not affect the passage of the bill.

What I want to bring home to you is that Great Britain is pursuing an altogether different policy. The Rhodes scholarship and every other conceivable opportunity is being offered to the students of India and all the world. Why? To familiarize those young men from every section of the world with the British point of view, and I know of instances where engineers after being educated in our schools went back to India and ordered certain machinery and certain implements, and the British Government insisted that the order should be changed. I know what that means for the future of the commerce of the United States.

Of course you gentlemen are not paying any attention to the humane provisions of this bill, but I thought it was my duty to call your attention to what effect this provision will have on the future commerce of our Nation. Great Britain is doing everything possible to penetrate every section of the world, and instead of inviting these young men and bringing these young men in here to familiarize them with our country, with our institutions, and with the things we produce here, we say to them, "No; you can not come; go to England." [Applause.]

The CHAIRMAN. The time of the gentleman from Illinois has expired. Without objection, the pro forma amendment is withdrawn, and the Clerk will read.

Mr. SABATH. For those that are interested I insert the following statement I just received from one of the students here:

One of the cardinal principles of the Government of the United States is to have better relations with all nations. In the past this principle has been furthered by opening the doors of the American universities to students from all parts of the world. This policy of spreading the idea of good will and cooperation has been practiced by other nations, particularly Great Britain, by establishing the Rhodes scholarship. One of the principal objects of the establishment of the Rhodes scholarships is to have Anglo-American understanding by training able American scholars, at the cost of British money, to British points of view in world affairs. America has given up the Boxer indemnity money to have Chinese students in America. This act of America has been a great political asset so far as American-Chinese relations are concerned. The British Government sees it and is now trying to follow the footsteps of America to secure a large number of Chinese students in England by the Boxer indemnity money, and over and above there is a plan in consideration to establish a great university in Singapore to train Chinese students.

The provision in the Johnson bill is going to hurt America by classing all students as immigrants and not as "exempt class" as it used to be the case; it places the students as "nonquota immigrants" who must, before entering America, decide about colleges where they would study, and then they must secure approval of the Secretary of Labor about the choice of their schools before they could leave their countries.

This is rather a plan to check the students from coming to America. It is mighty difficult for American parents to choose suitable educational institutions for their children in this country at once. In this bill we force the students to decide all about their studies and colleges from abroad, and that will be subject to approval of the Secretary of Labor. It may take a year or more at times to decide about the institutions and to carry on correspondence so far as students from India and even other countries are concerned, and then the Secretary of Labor may disapprove it. This will be a way of discouraging students from coming here, which the British Government is particularly anxious to do, the British Government not wanting to have students coming to American universities. It is the commonest experience that the American trained Indian engineers and others want to trade with America and that is not to the interest of Great Britain. I want to cite a concrete case of an Indian student who studied electrical engineering in Massachusetts Institute of Technology, of Boston. When returned to India he wanted to use water powers in certain sections of the country for generating electricity, and he ordered American machineries from the General Electric Co., because he was familiar with those machines while working at General Electric Co.'s shop at Lynn, Mass. The British merchants did not like it and protested, and it was later decided that it should be split in two for future orders, a part of the orders going to England.

The question of selecting colleges beforehand will be a matter of hardship, and I want to illustrate the case. One Indian student chose Ohio Agricultural College for his studies before he left India. This student had to go to Ohio, although he found after his landing that he could secure better education in Cornell, with less expense, and so forth.

Then, again, there are many students with high school and college training in India who are willing to come to this country to continue their studies, but their not having university degrees often works as a great difficulty, because it is not very easy for the American institutions to decide about their status. It is rather unjust that no other student than those who can secure a standing, before leaving his country, in certain American educational institutions, would be allowed to come to America as students.

It seems that the policy of making the law harder for foreign students to enter America means playing the game of Great Britain and other competing nations in world commerce against American interest.

It may be said that America is helping various nations of the world with food and other contributions. America is anxious to send missionaries all over the world, but when the students from all parts of the world wish to come to learn and acquire knowledge from the fountain of educational institutions and get the spirit of real democracy and a republican form of government we wish to make it harder for them to enter.

Mr. DALLINGER. Mr. Chairman, I offer an amendment.

Mr. JOHNSON of Washington. Mr. Chairman, I move that all debate close now on section 5.

The CHAIRMAN (Mr. LEHLBACH). Section 5 has been passed, and the gentleman from Massachusetts offers an amendment as a new section, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. DALLINGER: Page 7, line 21, after the word "immigration," insert a new section to be known as section 6, as follows:

"SEC. 6. Except as otherwise provided in this act, from 60 days after the passage of this act and until the expiration of 24 months next after its passage, the emigration of aliens to the United States is prohibited, and during such time it shall not be lawful, except as hereinbefore provided in this act, for any alien to enter the United States from any foreign port or place, or having so entered, to remain in the United States."

Mr. JOHNSON of Washington. Mr. Chairman, I make a point of order against the amendment.

The CHAIRMAN. In view of the decision by the incumbent of the chair a few moments ago, the present incumbent feels constrained to rule in accordance with the previous ruling, and overrules the point of order.

Mr. DALLINGER. Mr. Chairman, this is the exact language of section 2 of House bill 14461, which was reported by the gentleman from Washington [Mr. JOHNSON] in the Sixty-sixth Congress, third session, and the amendment is in the same language as it passed the House at that time. The House of Representatives by a large majority, as I recall, was in favor of stopping all immigration for a period of time, and it was in the Senate that this percentage basis, which has caused so much trouble to the country and so much hardship and suffering, was suggested and proposed. I simply offer this amendment—and I do not intend to discuss it—for the purpose of giving the Members an opportunity to vote in favor of prohibiting all immigration into the United States for the next two years, except the relatives and excepted classes that have been provided for in the earlier sections of this bill.

Mr. SABATH. Mr. Chairman, I ask unanimous consent that we may have the amendment read again for information.

The amendment was again reported.

Mr. JOHNSON of Washington. Mr. Chairman, I rise in opposition to the amendment. Gentlemen, you want to be careful in deciding just what this amendment means. There is contained in the amendment the words "hereinbefore provided." The intention, as stated by the words of the gentleman who proposed the amendment, is to suspend immigration with certain exemptions; but the wording of his amendment, in my opinion, would prevent the coming to the United States of every living soul. No one wants to throw a wall around this country and cut out the merchant who might come or cut out the student——

Mr. DALLINGER. No.

Mr. JOHNSON of Washington. Read the text of your amendment.

Mr. DALLINGER. Mr. Chairman, I expressly provide for that.

Mr. JOHNSON of Washington. But you have hung it on what precedes it in the bill.

Mr. DALLINGER. The amendment states "except as hereinbefore provided."

Mr. JOHNSON of Washington. Yes; but be careful what you do. This committee has gone into this phase of the proposition by the hour and hour and hour. I will not take any more time on the subject.

Mr. RAKER. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. RAKER. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from California is recognized.

Mr. RAKER. Mr Chairman and gentlemen——

Mr. JOHNSON of Washington. Mr. Chairman, I move that debate close at the end of two minutes.

Mr. RAKER. Will the gentleman make it five minutes, because I have already been recognized, and I am entitled to that much time?

Mr. JOHNSON of Washington. I modify my motion and make it five minutes.

The CHAIRMAN. The gentleman from Washington moves that all debate on the proposed section and all amendments thereto close in five minutes.

The question was taken, and the motion was agreed to.

Mr. RAKER. I want to say first that there was no subject discussed more thoroughly, more testimony taken, than there was on this subject. I am going to be frank. Personally, I think that the suspension of immigration for five years would be a good thing; but after going into the matter fully and completely I have come to the conclusion that the committee have provided every humane question that anybody suggested regarding the admission of aliens to the United States, and they are unable to point their finger to a single one that is not provided for in this bill.

Mr. CHINDBLOM. Will the gentleman yield?

Mr. RAKER. I will.

Mr. CHINDBLOM. The gentleman has all the time remaining for debate on this section. Will he ask the gentleman from Massachusetts [Mr. DALLINGER] whether he proposes to strike out the balance of the bill if his amendment carries?

Mr. RAKER. I do not want to take the time to do that. I want to say that the record will show that what I have stated is the fact, that those who were in favor of the suspension of immigration are those who are opposed to any restriction on immigration.

Mr. SNYDER. Will the gentleman yield?

Mr. RAKER. I yield.

Mr. SNYDER. Does not the gentleman realize at this time that with all these motions that are filed from time to time it is unnecessary for Members to get up and make a defense or an offense against them?

Mr. RAKER. The gentleman knows that this bill is brought in for consideration of the House. Many of the Members have neglected their business for four months to attend the hearings on this bill, and we have brought it in in a proper way, backed, based, and buttressed on the law and the facts so that we would intelligently and honestly present this matter before the House and get some legislation.

The CHAIRMAN. The time of the gentleman has expired. The question is on the amendment offered by the gentleman from Massachusetts [Mr. DALLINGER].

The question was taken; and on a division (demanded by Mr. DALLINGER) there were—ayes 7, noes 80.

So the amendment was rejected.

The Clerk read as follows:

APPLICATION FOR IMMIGRATION CERTIFICATE

SEC. 6. (a) Every immigrant applying for an immigration certificate shall make application therefor in duplicate in such form as shall be by regulations prescribed.

(b) In the application the immigrant shall state (1) the immigrant's full and true name; age, sex, and race; the date and place of birth; places of residence for the five years immediately preceding his application; whether married or single, and the names and places of residence of wife or husband and minor children, if any; calling or occupation; personal description (including height, complexion, color of hair and eyes, and marks of identification); ability to speak, read, and write; names and addresses of parents, and if neither parent living, then the name and address of his nearest relative in the country from which he comes; port of entry into the United States; final destination, if any, beyond the port of entry; whether he has a ticket through to such final destination; whether going to join a relative or friend, and, if so, what relative or friend and his name and complete address; the purpose for which he is going to the United States; the length of time he intends to remain in the United States; whether or not he intends to abide in the United States permanently; whether ever in prison or almshouse; whether he or either of his parents has ever been in an institution or hospital for the care and treatment of the insane; (2) if he claims to be a nonquota immigrant, the facts on which he bases such claim; and (3) such additional information as the Secretary shall by regulations prescribe as necessary to the proper enforcement of the immigration laws and the naturalization laws.

(c) The immigrant shall furnish to the consular officer, with his application, two copies of his "dossier" and prison record and military record, if any, two certified copies of his birth certificate if required by the country of his birth, and two copies of all available public records concerning him kept by the Government to which he owes allegiance. One copy of the documents so furnished shall be permanently attached to each copy of the application and become a part thereof.

(d) In the application the immigrant shall also state (to such extent as shall be by regulations prescribed) as to each class of individuals excluded from admission to the United States under the immigration laws, whether or not he is a member of such class; and such classes shall be stated on the blank in such form as shall be by regulations prescribed.

(e) If the immigrant is unable to state that he does not come within any of the excluded classes, but claims to be for any legal reason exempt from exclusion, he shall state fully in the application the grounds for such alleged exemption.

(f) The application shall be signed by the immigrant in the presence of the consular officer and verified by the oath of the immigrant before the consular officer. One copy of the application shall be permanently attached to the immigration certificate at the time of issuance and become a part thereof, and the other copy shall be disposed of as may be by regulations prescribed.

(g) In the case of an immigrant under 18 years of age the application may be made and verified by such individual as shall be by regulations prescribed.

(h) A fee of $2 shall be charged for the furnishing and verification of each application, which shall include the furnishing and verification of the duplicate, and which shall be covered into the Treasury as miscellaneous receipts.

Mr. JOHNSON of Washington. Mr. Chairman, I offer the following committee amendment.

The Clerk read as follows:

Page 8, lines 24 and 25, strike out the words "as the Secretary shall by regulation prescribe as," and on page 9, line 2, after the word "laws," insert a comma and the words "as may by regulation prescribe."

The CHAIRMAN. The question is on the amendment.

The amendment was agreed to.

Mr. JOHNSON of Washington. Mr. Chairman, I offer another committee amendment.

The Clerk read as follows:

Page 10, line 2, after the word "application," strike out all down to and including the word "thereof," in line 4, and insert in lieu thereof a comma and the following: "If viséed by a consular officer it shall become the immigration certificate."

The CHAIRMAN. The question is on the amendment.

The question was taken, and the amendment was agreed to.

Mr. JOHNSON of Washington. Mr. Chairman, I offer another committee amendment.

The Clerk read as follows:

Page 10, line 11, after the word "duplicate," strike out the comma and the words "and which" and insert in lieu thereof a period and the following: "Such fee shall be in lieu of any fee for executing the application of the immigrant for visé of his passport."

The CHAIRMAN. The question is on the committee amendment.

The question was taken, and the committee amendment was agreed to.

Mr. SABATH. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 9, strike out all of lines 12, 13, 14, 15, 16, 17, and 18.

Mr. SABATH. Mr. Chairman, I move to strike out a provision which says:

(d) In the application the immigrant shall also state (to such extent as shall be by regulations prescribed) as to each class of individuals excluded from admission to the United States under the immigration laws, whether or not he is a member of such class; and such classes shall be stated on the blank in such form as shall be by regulations prescribed.

In this he is asked to state what excluded classes he belongs to. If he does not belong to any of the excluded classes and he does not answer that in fact he is not capable of stating to what excluded classes he belongs because he does not belong to any excluded classes, but he is permissible to come in under the provisions of the law.

Mr. JOHNSON of Washington. It permits the immigrant to answer the questions on the other side as to whether he is a polygamist or any other of the matters that is required by him to answer at Ellis Island.

Mr. SABATH. That is all right; and the gentleman knows how I feel about the immigrant on the other side. I want him to answer every possible question that can be put to him.

Mr. JOHNSON of Washington. That is the point of this paragraph.

Mr. SABATH. No; if the gentleman reads it he will see he will come to the same conclusion that I have come to, that you are asking the immigrant to answer something that is impossible, and in addition to that the following paragraph (e) has about the same ridiculous meaning.

Mr. WATKINS. All he has got to do if he does not belong is to say "none."

Mr. SABATH. I know; but why should he be asked to what undesirable, excluded class does he belong?

Mr. WATKINS. Do we not want to know if he does belong to any?

Mr. SABATH. If he does not belong to any such class, why should he be asked to say that he belongs to it?

Mr. VINCENT of Michigan. Mr. Chairman, will the gentleman yield?

Mr. SABATH. Yes.

Mr. VINCENT of Michigan. The question that it requires him to answer is whether or not he belongs to either or all of those classes.

Mr. SABATH. Can the gentleman read that into the paragraph? If he can, I am satisfied; but I do not think he can read it in. Where is it?

Mr. VAILE. Lines 15 and 16.

Mr. VINCENT of Michigan. Whether or not he is a member of such class. He does not have to say that he is. If he is not, he says that he is not.

The CHAIRMAN. The time of the gentleman from Illinois has expired. The question is on the amendment offered by the gentleman from Illinois.

The amendment was rejected.

Mr. BERGER. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. BERGER: Page 9, line 3, after the letter (c), strike out the entire paragraph.

Mr. BERGER. Mr. Chairman and gentlemen, it is an axiom of civilized nations to consider a person honest and innocent until the contrary is proven. According to the proposition before us every immigrant is supposed to have a prison record. He is supposed to be a crook simply because he wants to come to this country to live. But the great bulk of the immigration of the last 100 years was honest. It was nothing like the immigration of the seventeenth century, when every immigrant to certain parts of the American Colonies had a prison record, because Great Britain used large sections of her possessions as penal colonies. We know from history that in those days English judges were in the habit of deporting Anglo-Saxon criminals instead of hanging them. For many years this was considered a part of the regular court procedure, and in many instances the judges would simply send pickpockets, thieves, and prostitutes to these shores, because here was the penal colony. Great Britain did the same for New South Wales, Australia, and Tasmania—now New Zealand—for a while. And many of these criminals became useful citizens and some descendants even "Revolutionary sires," I suppose.

But I can not see why we should ask questions of that kind from the present immigration. Moreover, under the provisions of this bill the burden of proof is put upon the immigrant. He must prove that he has no prison record. Why should we put the proof on the immigrant?

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

Mr. BERGER. I have only five minutes, and if I have time left I shall be glad to yield.

Mr. WATKINS. I thought I could help the gentleman out.

Mr. BERGER. I will let the gentleman help me out afterwards. [Laughter.] Is it any business of ours what the military record of an immigrant was in Bulgaria or Russia or Germany or France or in any other country? It is none of our business. Suppose he had no military record at all; that might make him a very desirable immigrant. What business is that of ours, whether the man has served in the army of the Russian Czar, the Kaiser of Germany, or the King of England?

Mr. ROGERS of Massachusetts. But suppose he was court-martialed for burglary?

Mr. BERGER. If he is a criminal, that is a different story. That, however, is covered in other portions of the bill.

Then there are also two copies of the birth certificate to be produced, besides many other things. Some countries have no birth certificates. We know that he was born, because he makes the application to come here. The certificate would not prove his existence if the man did not exist; and the application states his age, sex and race, date and place of birth, and about 100 other matters.

Another thing, you want a dossier, and that means all of the official documents about his life, I suppose. The term "dossier" I heard for the first time when the French tried Dreyfus for high treason. The whole proposition smacks of pernicious delirium and persecution.

If I had lived in Russia during the last 10 years I am sure that the czar would have hanged me for being opposed to him, and that later the Bolsheviki would have shot me, if the czar had not hanged me, for being opposed to them. At any rate, I can not see how I could have escaped having a prison record in Russia. Fortunately, I never was in Russia. Talk about getting a dossier from Russia!

I am sure that if any one of you gentlemen fond of public life, any one of my learned friends here believing in some liberty, had lived in Russia, every one of you would have been in prison at some time. Moreover, the Quakers and the Puritans had been in jail before they came to America, and what kind of a "dossier" could they have produced? This provision is hateful. It must have been copied from some ukase of a Russian Czar and used by the Russian secret police to extort money from the poor subjects. Why should a man or a woman need a "dossier" to come to this country? That is an unjust and silly provision.

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

Mr. BERGER. Mr. Chairman, I ask for three minutes more.

The CHAIRMAN. Is there objection.

Mr. FREE. I object.

The CHAIRMAN. Objection is heard. The question is on the amendment.

Mr. WEFALD rose.

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. WEFALD. Mr. Chairman, this is one time I can not agree with my friend the gentleman from Wisconsin [Mr. BERGER].

Mr. RAKER. Mr. Chairman, a point of order. Is the gentleman recognized?

The CHAIRMAN. The gentleman has the floor. The gentleman has been recognized to debate the amendment.

Mr. WEFALD. Mr. Chairman, I myself have at one time been an immigrant, and I remember well the day when I left my home and went to get my papers in shape so that I could emigrate. I went up to see the parish priest or preacher, I got my vaccination certificate, my birth certificate, my certificate of good moral character. When I had those things in order I went and got my military record that showed that I had the right to emigrate, and for my part I do not think any man should come into these United States unless he brings with him a certificate of good moral character.

Mr. BERGER. Will the gentleman yield for one question? I will not take much of the gentleman's time.

Mr. WEFALD. Yes, sir.

Mr. BERGER. How could you get a certificate of good character in Latvia when a certificate of that kind can not be obtained by anybody?

Mr. WEFALD. I will answer that by saying I have lived in Minnesota during the years of the war, and I have a certificate of good moral character——

Mr. BERGER. I am talking of Latvia.

Mr. WEFALD. I lived in Minnesota, where Judge McGee and the public safety commission ruled high-handed during and after the war——

Mr. BERGER. That is a pretty tough place to live in.

Mr. WEFALD. It was in those days, but I have still a certificate of good moral character. I say, I, for one, that as a man who was an immigrant, who has bought his citizenship here and paid full price for it; I say that any man who has not got his papers and his record in shape ought not be permitted into these United States. [Applause.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota.

The question was taken, and the amendment was rejected.

Mr. DICKSTEIN. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 9, line 3, after the word "furnish," insert "if available."

Mr. DICKSTEIN. Now, Mr. Chairman and members of the committee, I would like to have your serious consideration of this amendment, because we will find some of these immigrants might not be able to obtain such documents as are required under this provision. There is no way for them to request a visé unless they supply the very things that are demanded. Now, for example, suppose they can not find a certain record like a birth record. Why should not an affidavit setting forth these facts by the immigrant and of his inability to do so be permissible, or why should not an affidavit of the loss of any other document be sufficient? Under the proposed bill admissions will be denied, as a matter of fact, unless the proposed applicant can produce his dossier, his prison record, his military record, if any. Now, suppose he can not locate the sergeant or the commander or the place to obtain his military record. Why can not he have an affidavit of some respectable or responsible citizen who served in the war with him that he did serve in the war and he was honorably discharged? Under a provision of this kind he is absolutely precluded from presenting anything else but what they call for. The proposed amendment simply conforms with an amendment of the Senate bill now under consideration.

Mr. WATKINS. Will the gentleman yield?

Mr. DICKSTEIN. For a question.

Mr. WATKINS. Do not the two words in line 5, "if any," and the two words in line 6, "if required," and the four words in lines 7 and 8, "all available public records," answer the gentleman's question absolutely?

Mr. DICKSTEIN. No, sir; if you will read line 3, it says that the immigrant shall furnish to the consular officer with his application two copies of the foregoing papers. Now, the point the gentleman referred to is simply a question of whether he is able to get these certificates. Now, if he can not get those certificates he can not come in in spite of the fact he may be a desirable person whom we want in this country. All I ask is that upon failure or inability to obtain a proper certificate and record under the provisions of the bill that he may present an affidavit or such proof as will justify his admission.

The CHAIRMAN. The time of the gentleman has expired.

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. JOHNSON of Washington. Mr. Chairman, I move that all debate on this section and all amendments thereto be now closed.

The motion was agreed to.

The CHAIRMAN. The debate is closed. The Clerk will read.

The Clerk read as follows:

NONQUOTA IMMIGRATION CERTIFICATES

SEC. 7. A consular officer may, subject to the limitations provided in sections 2 and 8, issue an immigration certificate to a nonquota immigrant upon satisfactory proof, under regulations prescribed under this act, that the applicant is entitled to be regarded as a nonquota immigrant.

Mr. LONGWORTH. Mr. Chairman, I would like the attention of gentlemen in charge of the bill.

Mr. SABATH. There is the gentleman who is in charge of the bill [Mr. JOHNSON of Washington].

Mr. LONGWORTH. I said "gentlemen in charge of the bill." It seems very evident that, if we are to have a vote within a reasonable time to-morrow, we shall have to make some arrangement as to whether or not we shall have a night session to-night. I have consulted with a number of gentlemen managing this bill, most of them, at least, and they feel that it would be a very satisfactory arrangement if we could recess shortly and then take up that part of the bill which is not especially controversial. I would like to inquire now informally as to whether we can have that understanding? If so, we can rise at about 6 and move to recess until 8, with the understanding that we continue with the bill, eliminating certain sections that we can agree upon. Would it be objected to?

Mr. SABATH. That would be agreeable to me, by eliminating section 11.

Mr. LONGWORTH. And section 12?

Mr. SABATH. Yes; section 12 and section 23, the burden-of-proof provision. There is not much contention on the rest of the bill.

Mr. LONGWORTH. That would be very satisfactory to the gentlemen on this side.

Mr. RAKER. And I may say that would be satisfactory to the gentlemen on this side.

Mr. DICKSTEIN. Mr. Chairman, I shall object to any night sessions. I favor going along until 6 o'clock.

Mr. LONGWORTH. The alternative is—I will tell the gentleman what the alternative is—that we proceed continuously.

Mr. RAKER. If you do not get unanimous consent to-night, you will understand that we run on with the bill?

Mr. LONGWORTH. Yes; but if we have an agreement for a recess and then proceed with the noncontroversial sections of the bill until 11 o'clock, we shall be in a position here to proceed to-morrow with the controverted sections.

Mr. RAKER. That would be satisfactory.

Mr. LONGWORTH. You will save time.

Mr. SABATH. I will say this to the gentleman from Ohio, that there is not anything in these other sections, outside of the sections that have been mentioned, where there is a great deal of contest. In fact, I do not think there is any. There might be one or two amendments offered to perfect some of the provisions, but there is really no contest on my part, and I do not think on the part of the gentleman from New York [Mr. DICKSTEIN].

Mr. LONGWORTH. Of course there will be a number of gentlemen who will want a vote on these very vital amendments. If we can eliminate those to-night, we shall be here to-morrow and vote on them. I think it will save time and annoyance if we can have that understanding; the understanding that I would at 6 o'clock move to rise and recess until 8 o'clock, and ask unanimous consent to take up the bill except certain portions, three or four sections. Do I understand informally that there will be no objection to that? That is the condition on which we will rise at 6 o'clock.

Mr. BERGER. Does the gentleman need the unanimous consent of the Socialist Party?

Mr. LONGWORTH. We should like to have it. [Laughter.]

Mr. TAYLOR of West Virginia. Mr. Chairman, I would like to understand the program, inasmuch as I have an amendment to section 10, which if adopted will be a perfecting amendment, and then amendments to sections 11 and 12. They are in controversy.

Mr. LONGWORTH. Yes. Have I such an assurance?

Mr. GARRETT of Tennessee. Mr. Chairman, I regret to say that I do not think the gentleman has that assurance, because

I have not been able to get such assurance from the gentleman from New York [Mr. DICKSTEIN].

Mr. DICKSTEIN. May I say a word in explanation?

The CHAIRMAN. Does the gentleman from Ohio yield to the gentleman from New York?

Mr. LONGWORTH. I yield.

Mr. DICKSTEIN. The trouble is that agreements made are laid down at a man's table without consulting him or anybody else about them.

Mr. LONGWORTH. I am consulting the entire House.

Mr. DICKSTEIN. I appreciate the gentleman's position, but I am talking about some of my colleagues on this side who have already made an agreement for me. I say that out of courtesy to me they should have come to me and asked me whether a night session would be agreeable, and the probabilities are I would have agreed in order to save the time of the Members of the House. However, I withdraw my objection.

Mr. GARRETT of Tennessee. The gentleman from New York, then, states that he will not object when we go into the House?

Mr. DICKSTEIN. No.

Mr. LONGWORTH. Very well. At 6 o'clock the gentleman from Washington [Mr. JOHNSON] will move that the committee rise, and I will move a recess until 8 o'clock and ask unanimous consent——

Mr. BLANTON. Will not the gentleman do that now?

Mr. LONGWORTH. I can not in Committee of the Whole.

Mr. BLANTON. Then ask that the committee rise now, because there is a conference report to come up.

Mr. LONGWORTH. Then we will move to rise now, under those conditions.

Mr. JOHNSON of Washington. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. SANDERS of Indiana, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 7995) to limit immigration of aliens into the United States, and for other purposes, and had come to no resolution thereon.

MEMORIAL EXERCISES

Mr. CAREW. Mr. Speaker, I ask unanimous consent that on Sunday, May 4, 1924, at 3 o'clock p. m., the House may assemble to hold memorial exercises in honor of the late WILLIAM BOURKE COCKRAN, DANIEL J. RIORDAN, LUTHER W. MOTT, and JAMES V. GANLY, all Members elected to this House and who have since died.

The SPEAKER. The gentleman from New York asks unanimous consent that there may be a session of the House on Sunday, May 4, 1924, at 3 o'clock in the afternoon, for the purpose of holding memorial exercises on the deceased Members named. Is there objection? [After a pause.] The Chair hears none.

EVENING SESSION

Mr. LONGWORTH. Mr. Speaker, I ask unanimous consent that to-night at 8 o'clock the House resolve itself into Committee of the Whole House on the state of the Union and proceed with the consideration of the immigration bill, with the understanding that sections 10, 11, 12, 22, and 23 be passed over.

Mr. RAKER. How did section 22 get into the agreement?

Mr. BERGER. At my request.

Mr. JOHNSON of Washington. We have all we can attend to to-night if we also leave that section out, and, if the gentleman wants it left out, we will leave it out.

Mr. BERGER. All rght, then; I would like to have it left out.

The SPEAKER. The gentleman from Ohio asks unanimous consent that the House recess until 8 o'clock to-night for the consideration of the immigration bill, at which session sections 10, 11, 12, 22, and 23 shall be omitted. Is there objection? [After a pause.] The Chair hears none.

IMMIGRATION

Mr. JACOBSTEIN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting a table on immigration.

The SPEAKER. The gentleman from New York asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection? [After a pause.] The Chair hears none.

Mr. JACOBSTEIN. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following:

A NEW BASIS FOR FIGURING IMMIGRATION QUOTAS

(Prepared by Congressman MEYER JACOBSTEIN)

The present 3 per cent quota law based upon the 1910 census favors the nations of southern and southeastern Europe. The 1890 census of the Johnson bill favors the countries of northern Europe. All quotas based on national origins put a premium on racial stock. I suggest as a basis for computing the quotas that an average for the last four census periods be taken. This would represent a cross section fair to all peoples. The operation of these various methods is shown in the following table:

Columns 1, 3, and 4 are taken from the tabulation presented by Senator REED, printed in the RECORD of April 9, 1924. The quotas for 1890 are taken from the figures given in the majority report of the House Immigration Committee (Rept. No. 350, p. 17). The last column is the combined average for 1890, 1900, 1910, and 1920 from this same report:

Nationality	Present law	Johnson bill—2 per cent of 1890 with minimum of 100	Senate committee recommendation—2 per cent of 1910 with minimum of 100	National origins method—1920 census	2 per cent on average of 1890, 1900, 1910, and 1920
Albania	288	104	192	36	182
Armenia	230	117	152	101	232
Austria	7,342	1,090	4,894	3,685	4,871
Belgium	1,563	609	1,042	519	964
Bulgaria	302	100	202	65	203
Czechoslovakia	14,357	1,973	9,572	2,639	6,467
Danzig	301	323	200	98	311
Denmark	5,619	2,882	3,746	2,183	3,467
Esthonia	1,348	202	898	442	755
Finland	3,921	245	2,614	995	1,859
Fiume	71	110	100	36	146
France	5,729	3,978	3,820	5,526	3,702
Germany	67,607	45,229	45,072	44,035	39,297
Great Britain and Ireland	77,342	[1] 62,658	51,562	182,221	[1] 53,517
Greece	3,063	135	2,042	1,072	1,540
Hungary	5,747	588	3,832	2,518	3,449
Iceland	75	136	100	24	145
Italy	42,057	4,689	28,038	11,755	18,989
Latvia	1,540	217	1,026	506	849
Lithuania	2,622	402	1,752	888	1,427
Luxemburg	97	158	100	153	208
Netherlands	3,602	1,737	2,404	5,339	2,345
Norway	12,205	6,553	8,134	4,866	7,267
Poland	30,979	8,972	20,652	9,019	17,225
Portugal	2,465	574	1,644	550	1,237
Rumania	7,419	731	4,946	773	2,361
Russia	24,405	1,892	16,270	8,004	12,005
Spain	912	224	608	282	624
Sweden	20,042	9,661	13,362	7,413	11,886
Switzerland	3,752	2,181	2,502	1,562	2,418
Yugoslavia	6,426	835	4,284	1,203	2,555
Other Europe	86	----------	100	66	----------
Palestine	57	101	100	20	127
Syria	882	112	588	324	527
Turkey	2,654	123	1,770	229	763
Other Asia	92	----------	100	44	----------
Africa	104	----------	100	39	----------
Egypt	18	106	100	7	110
Australia	279	220	196	96	269
New Zealand	80	167	100	40	163
Atlantic Islands	121	----------	100	267	----------
Japan	(2)	(2)	1,443	360	(2)
Total	357,801	[3] 161,184	240,459	300,000	[3] 207,748

[1] This figure of 62,658 is the combined total for Great Britain, North Ireland, and the Irish Free State.

[2] No quota.

[3] Including quotas for San Marino, Angorra, Liechtenstein, Monaco, Hejaz, Persia, Abyssinia, Morocco, and Union of South Africa.

THE M'NARY-HAUGEN BILL

Mr. TIMBERLAKE. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD by printing an article which I wrote for my home paper discussing the McNary-Haugen agricultural bill.

The SPEAKER. The gentleman from Colorado asks unanimous consent to extend his remarks in the RECORD on the McNary-Haugen bill. Is there objection? [After a pause.] The Chair hears none.

Mr. TIMBERLAKE. Mr. Speaker, under leave to extend my remarks, I insert the following article:

[From the Sterling Advocate, Sterling, Colo., Tuesday, April 8, 1924]

TIMBERLAKE EXPLAINS THE MCNARY-HAUGEN BILL

WASHINGTON, D. C., *March 19, 1924.*

THE EVENING ADVOCATE,
Sterling, Colo.

MY DEAR MR. WOODRING: I know that you and your readers, like myself, are deeply concerned regarding the serious condition surrounding the agricultural industry, and desire that some aid be ex-

tended for its relief by the Government along proper and sane lines which would bring relief, and yet avoid price-fixing features, which I personally believe to be unsound.

During the past seven months 311 National and State banks have failed, all in the agricultural sections of our country. This demonstrates the necessity for immediate action. To this end there is now pending in Congress the Haugen-McNary bill. I have carefully studied and analyzed the bill, and in my judgment it will go very far at least to reduce these conditions, and will give the farmer a fair selling price for his products.

This bill is indorsed by all of the farm organizations and approved by the Secretary of Agriculture, and I hope for its early enactment. My mail is so congested by the many inquiries I am receiving concerning the bill that I have thought you might deem it of sufficient importance to your readers to give them a complete analysis, from my standpoint, of the provisions of the bill and how it is to be administered.

EUROPEAN MARKET GOVERNS

The Haugen-McNary bill recognizes that the price of the export surplus of our great agricultural crops fixes the price of the whole crop, both the small part that is exported and the great part that is consumed at home. It is really the European market that fixes the prices of our wheat, flour, corn, hog and other meat products, and cotton. With Europe suffering economic and industrial chaos and unable to give paying prices, the home prices of our products are so low that farmers are being driven into bankruptcy, farms by the thousands are being deserted, and their owners are moving to industrial towns. A condition is growing that can not fail ultimately to hurt city business and industrial conditions the same as farming has been hurt since 192[illegible].

This bill proposes to take the export surplus of the products that are suffering disastrously off the domestic market and to sell them in the world market at the world price, and by removing them from the domestic market bring the domestic price level up to a fair point for the great staple farm products. It will really do for export products exactly what the tariff does for manufactured products and for such agricultural products as are on a domestic or an import basis instead of on an export basis. When the world price of wheat, corn, cotton, and pork products is made in Liverpool and the domestic price is made by the foreign price, it is perfectly evident that the tariff can not give efficient protection.

The final aim and end of the bill is to give the specific farm products the same buying power now in terms of the things that the farmer must have that these farm products enjoyed on the average period from 1905 to 1914.

FEATURES OF BILL OUTLINED

I will first describe the bill as briefly as possible and then give an illustration of its application. As drawn it covers only the following commodities: Wheat, flour, corn, raw cotton, wool, cattle, sheep, and swine, and any food products of livestock.

The five most salient features of the bill are:

1. The agricultural export commission.
2. The agricultural export corporation.
3. Ratio prices.
4. Distributing losses and expenses through scrip.
5. Making tariff protection effective.

(1) The agricultural export commission is a supervisory body of eight members, constituted as follows: The Secretary of Agriculture, chairman; the Secretary of Commerce, vice chairman; the Secretary of the Treasury; the chairman of the United States Tariff Commission; an administrative commissioner appointed by the President, by and with the consent and advice of the Senate; the managing director and two ordinary directors of the agricultural export corporation described later.

It would be difficult to select, in my judgment, a body of workable size more certain to look out for the interests of all of the people, particularly in view of the fact that the determinations of price ratios and average prices utilize the Secretary of Labor and his department in a highly important fashion.

CORPORATION'S FUNCTIONS OUTLINED

(2) The agricultural export corporation is the body on which the power to carry on all the necessary business functions is conferred. Its authorized capitalization will be $200,000,000. Its personnel would be as follows: The Secretary of Agriculture, chairman; the Secretary of Commerce, vice chairman; a managing director appointed by the President, by and with the advice and consent of the Senate; two ordinary directors, also appointed by the President.

Constituted in this manner and selected on their knowledge and experience as the bill requires, it is believed that the corporation would command the respect and confidence of the farmers of the United States.

(3) The commodities brought under the bill are termed "basic agricultural commodities." When a special emergency has been proclaimed by the President with respect to a specific basic commodity, the commission is required to publish monthly for that commodity the ratio prices.

The ratio price of a basic commodity is that value in relation to the current price of all commodities that would give a unit of the basic commodity the same purchasing power at the present time that such unit had in terms of all commodities in the 10-year period 1905–1914.

WOULD RAISE WHEAT PRICE

To illustrate, the average money price of No. 1 Northern wheat at Minneapolis during all of the Decembers for the period 1905–1914 combined was 98.7 cents. Use the base of 100 for all commodities during 1905–1914. The price index of all commodities for December, 1923, was 161.3. Then to put wheat for December, 1923, X, in the same relation to wheat in the 10-year period we have the following proportion: 100 : 161.3 :: 98.7 : X. Multiplying the means and dividing by the extreme, we find that the ratio price of wheat for December, 1923, to place it on a parity with all commodities, is $1.59. The actual average price was $1.098, so the law would give 50 cents a bushel more.

The Secretary of Labor computes the price indices to be used under the bill, both as to all commodities pre-war and all commodities currently. The Secretary of Labor and the Secretary of Agriculture jointly prepare the average commodity prices for the individual basic commodities with respect to which the President may from time to time proclaim a special emergency.

(4) In order that producers may pay their equitable share of the losses arising from selling in the export market at a lower price than cost of products in the domestic market and to cover the expenses of the corporation, a plan of equalization is laid down under which there is withheld at the time of sale by the producer a part of the price of the product. The part thus withheld is called an equalization fee, and the fund into which all such fees for each product are placed is known as the equalization fund for such product. The commission estimates in advance for each year the probable expense and probable losses and fixes the amount of the fee to be withheld.

PAYMENT PARTIALLY SCRIP

The equalization fund is created and maintained by the sale of scrip or stamps covering the determined part of each sale. In other words, the producer will be paid part in cash and part in scrip, the amount of scrip in all cases to be uniform with respect to value and quantity of product sold to the corporation.

It is made the duty of every buyer to tender, and of every purchaser to accept, scrip as provided equal to the total equalization fee on each sale. Persons who fail either to tender or accept or demand scrip are liable not only for the equalization fee but for an additional penalty of one-half the amount of the fee.

Scrip will be prepared in cooperation with the Treasury Department and will be sold in all of the post offices of the United States, and will no doubt be available at all banks and similar institutions in the same way as revenue stamps at the present time.

As soon as possible after the end of the crop year, expenses and losses are to be determined accurately, and thereafter dividends will be declared from the equalization fund to cover the balance of their selling price, in which all producers will be entitled to share in accordance with the amount of scrip held by them. Scrip may be presented for redemption to any postmaster under regulations made by the corporation. The corporation will furnish to the Postmaster General for distribution to postmasters from the equalization fund the money necessary to redeem all scrip when presented at the rate of dividend declared by the corporation.

PRESIDENT TO FIX RATES

(5) The effectiveness of any plan to increase the domestic price of export commodities necessarily depends on the prohibition of imports of such commodities or competing substitutes from foreign countries. So the bill authorizes the President, after investigation made at his direction either by the Secretary of Agriculture or the United States Tariff Commission, to fix and proclaim rates of duty that will assist in maintaining the domestic price of any commodity as to which the special emergency has been declared at the level of the ratio prices determined therefor.

Whenever a special emergency has been proclaimed by the President, he may, by proclamation, declare the rate of duty determined on the basis of the investigations of the Tariff Commission or the Secretary of Agriculture. Such rate of duty shall become effective 30 days from the date of the proclamation.

In order to assist in the adjustment of production of the export surplus crops and products more accurately to probable consumptive demands, the bill authorizes the Secretary of Agriculture and the commission to collect and disseminate information regarding crop and livestock conditions throughout the world, and to advise producers as to acreage or quantities that it may appear wise to produce.

To avoid duplication of efforts and expenditure of funds cooperation between Government establishments that can be helpful is provided. The President may also direct any such establishment to furnish the export commission with information and data pertaining to the functions of the commission and corporation contained in the records of executive

departments and other establishments. Cooperation with States, business agencies, and persons is also authorized, as is the use of the Secret Service upon request to the Secretary of the Treasury.

SUITABLE PENALTIES PROVIDED

Suitable penalties for counterfeiting scrip and for other misdemeanors, including bribing of officers or employees of either the commission or the corporation, are provided. The laws regarding embezzlement, conversion, improper handling, use, or disposal of moneys of the United States are made to apply to equalization fees and other moneys of the corporation.

This is the way the plan will work: There is a legislative finding in the bill declaring the existence of a general emergency in respect to agricultural commodities. Only the great important commodities and their most important derivatives can be reached by the plan. They are wheat, flour, corn, raw cotton, wool, and cattle, sheep, and swine, or any food product thereof.

For the purpose of illustration, I will confine myself to wheat and hogs. The export commission will immediately find upon a comparison of pre-war and existing prices that both of these commodities are far below a parity compared with the experience of the 10 years from 1905 to 1914, inclusive. Wheat in the past December had a purchasing power of only 80 per cent of pre-war. Swine had a purchasing power of only 56 per cent of pre-war.

The commission advises the President in writing that the ratio of price would be higher than the current prevailing domestic price, and that the domestic price is determined by the world price. Thereupon the President issues a proclamation declaring a special emergency with respect to wheat and hogs. When an emergency has passed the same procedure is used in proclaiming its termination.

CALCULATIONS ARE SIMPLE

Immediately after the President's proclamation declaring special emergency as to the two basic commodities mentioned, the commission, cooperating with the Secretary of Labor and the Secretary of Agriculture, performs the necessary calculations for determining the average price of these two commodities during the 10-year period and also calculates the index price to be used in computing the calculated or ratio price that is to apply for the current operations of the export corporation.

These arithmetical calculations are usually considered abstruse. They are very simple, as a matter of fact, and any high-school boy to whom the facts are explained can make the calculations, as they involve only addition, multiplication, and division. The procedure will be the same, no matter what the product, so we will use wheat as an illustration.

First, there is constructed for the base period an index number. The basing period under this bill is the 10-year period from 1905 to 1914. To arrive at this index figure the average price for the given period and the total quantity of the commodity marketed in the period are used, each commodity being given a certain weight based on its importance to the total of all commodities. The figure thus obtained for the basing period is taken as equal to 100. To get the relationship for any subsequent period the same process as to all commodities for that period is used. The use of the 10-year average is certainly an extraordinarily fair one. Inasmuch as a very wide range of products is included in all commodities index, there can be no manipulation worthy of note.

Now, to reach the results we have an equation with certain members. The first member is the index figure for the period from 1905 to 1914. This is 100. The second member is the index number for the comparative period at the present time. The third member is the average price of the particular commodity during the 10-year period, or for any month of that period. The latter is necessarily the case if we are seeking to find the proper ratio price for a current month. The fourth member of the equation is the unknown quantity X, which, when determined, will be the ratio price of the particular commodity for the current month for use in the operation of the export commission. The following, then, summarizes what has been said above:

WOULD ASSIST FARMERS

All commodities for each month, 1905 to 1914, are to all commodities for the particular month in 1923 as the average price of wheat for the same month in 1905 to 1914 is to X. X, when this equation has been solved, will be the ratio price of wheat for the current operating period. To make the application specific, let 100 equal the general index of all commodities for the month of December for the 10-year period, and 161.3 the general index number for December, 1923, and 98.7 the average money price of No. 1 Northern wheat at Minneapolis during December for the period 1905 to 1914. Then 100 : 161.3 :: 98.7 : X. Multiplying the means, namely 161.3 by 98.7, and dividing by 100, you get 159, the ratio price of wheat for December, 1923.

The actual average price of wheat, based upon Chicago and Minneapolis, in the month of December was about $1.09; hence the effect of the application of this bill would be to add approximately 50 cents per bushel to the contract grade. This price, minus the loss on the export market and the expense of operation would determine the farmer's final net price per bushel. If the losses and expenses totaled 10 cents a bushel, the net returns to the farmer would have been not less than 40 cents per bushel more than he actually has received.

The commission having determined the ratio price and the President having appointed the managing director of the corporation, buying operations are ready to begin.

MAY SELL IN DOMESTIC MARKET

There is no guaranteed fixed price for the whole crop. The law only lays down the price at which the corporation shall buy the export surplus. The commission determines the total surplus and the amount that shall be purchased each month. If the rate of purchase first determined upon is not enough to sustain the domestic market at the ratio price level, the commission may direct the corporation to increase its rate of purchase. If the rate of purchase lifts the price unduly, thus too greatly enhancing the cost of bread to the consumer, the commission may order the corporation to resell in the domestic market any stocks still in its hands unexported.

All expense of operation and the loss in buying at a high domestic price and selling at a lower foreign price are to be borne by the producer. The Government merely furnishes the operating capital and otherwise helps the farmer to do what he can not do for himself. To do this a part of the purchase price in every transaction when the farmer sells to the first buyer will be withheld and paid to the corporation. This payment will be accomplished by placing scrip in the form of stamps or other convenient form on sale at all of the post offices of the United States. The amount per bushel or the percentage of each sale of the farmer's wheat is called for convenience an equalization fee. The scrip that passes represents this fee.

The farmer receives more money to begin with, and the scrip is added. The fund arising from the sale of scrip is known as the equalization fund. It is created through all of the post offices selling scrip to grain buyers, millers, and others who buy wheat from the farmer. They pay cash at face value to the postmaster for their scrip, and he transmits it through the proper channels to the corporation.

Every farmer through receiving this scrip has an interest in the equalization fund. Some persons profess that the farmer will not be willing to accept part payment in scrip. They conceal the fact that by reason of the corporation's activities the buyer will be able to pay the farmer more than the world price which he otherwise would have received, and that he will have the scrip in addition, which will return him further money when the operating year is over. To try to discredit this plan by calling the scrip worthless is unfair and merely means that these persons are unwilling to accept the only practical plan that has been offered to help the farmer out of his difficulties.

FARMER'S WHEAT TRACED

We can now trace an individual farmer's wheat to see how the plan operates. John Jones is threshing and hauls his wheat to the elevator direct from the machine. At the end of his hauling he finds that he has delivered 1,000 bushels. As it was not all of the same grade, it brings different prices.

Assume—

500 bushels of No. 1, at $1.59	$795.00
250 bushels of No. 2, at $1.52	380.00
250 bushels of No. 3, at $1.45	362.50
Total	1,537.50

The commission, after making the necessary studies, has decided that on the basis of the probable world crop and the probable domestic crop and the probable expense of operating the corporation it will be necessary to hold out an equalization fee of 12 per cent on every sale of wheat. Now, 12 per cent of $1,537.50 is $184.50. The grain buyer will therefore pay the farmer as follows: One hundred and eighty-four dollars and fifty cents in scrip and the balance of same, $1,353, in check or cash.

The law requires every buyer to tender and every seller to accept this scrip, and each is required to demand performance of the other. If they do not pass the scrip as required, the equalization fee may be collected by law and, as a penalty, one-half again as much. The grain buyer goes to the post office or bank and buys scrip sufficient to carry on his usual trading operations. His grain has now cost him, not the world price of around $1.10, but a ratio price of over $1.50. He will sell his grain to the miller or to other buyers of every kind in the domestic market so as to cover his expenses and show him a profit.

If the corporation buys from him for export, he will sell to the corporation on the advanced price basis. The corporation will operate through existing agencies of trade in all products and will not set up duplicating machinery unless forced to do so by unfair tactics on the part of the trade.

DIVIDEND ON SCRIP PROVIDED

The farmer now has his cash and his scrip. The scrip he will probably keep until the end of the crop year. The corporation as quickly

as possible after the close of the crop year will determine from its records the cost of operation and the loss due to buying high at home and selling low in the foreign market and will determine the rate of dividend to be declared from the equalization fund. Public notice will then be given throughout the United States, and every wheat grower or other person who may have bought scrip from the wheat grower who wishes to sell because he needs cash or for other reasons will present his scrip at the post offices and banks, where it will be redeemed at the rate of dividend declared by the corporation.

Post offices and other agencies will then return the redeemed scrip to the corporation, which will cancel it, and the producer's interest in the transaction will be closed.

Now, just a word as to the benefits the producer will receive from the operation of this plan. If you reduce the available supply of a commodity in the consuming market, you inevitably increase the price. So we may dismiss any thought that the operation of the corporation will not be effective for the purposes intended.

Speaking in terms of bushels now, merely for convenience, assume the world price is $1 and that the ratio price is $1.50. If the expenses of the corporation and the loss in the export market turns out to be 10 cents a bushel and if the percentage withheld at the time of the farmer's sale was equal to 25 cents on each bushel, a dividend will then be declared on scrip of 15 cents a bushel and the farmer will have received $1.40 instead of the world price of $1. Observe that the original cash payment would be $1.25; hence, approximately 25 cents more than the total cash the farmer would receive under world price conditions. On top of this, he has his interest in the equalization fund.

Utilizing all the possible exporters now engaged in the trade, the corporation would sell in the foreign market at the best price obtainable.

EXISTING AGENCIES TO REMAIN

As the measure is an emergency measure, one of its definite objectives is to treat fairly the business agencies now in operation. They will be necessary when the emergency ceases to exist and the operation of the act is brought to an end.

Applying now to an average crop of 750,000,000 bushels, 600,000,000 of which is kept at home for consumption, seed, and carry-over, and 150,000,000 bushels of which is exported, ignoring details in order merely to make the picture, at the world price of $1 per bushel the whole crop would bring $750,000,000. Under the export commission plan, 600,000,000 bushels would bring $1.50 per bushel, or $900,000,000 and 150,000,000 bushels would bring the world price, or $150,000,000; a total of $1,050,000,000.

Assuring you of my deep interest in this measure, and with kindest personal regards, I am

Very sincerely yours,

CHAS. B. TIMBERLAKE.

RENT COMMISSION

Mr. BLANTON. Mr. Speaker, I ask unanimous consent that I may have until to-morrow night at 12 o'clock to file minority views on H. R. 7962, the Rent Commission bill, which comes up Monday.

The SPEAKER. The gentleman from Texas asks unanimous consent that he may have until to-morrow evening at 12 o'clock to file views of the minority on the Rent Commission bill. Is there objection? [After a pause.] The Chair hears none.

DEFERRING PAYMENT OF RECLAMATION CHARGES

Mr. SMITH of Idaho. Mr. Speaker, I call up from the Speaker's table the bill (S. 1631) to authorize the deferring of payments of reclamation charges, and I ask unanimous consent that the House insist on its amendments and agree to the conference asked for by the Senate.

The SPEAKER. The gentleman from Idaho calls up the bill (S. 1631) and asks unanimous consent that the House insist on its amendments and agree to the conference asked for.

The Clerk read the title of the bill.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The SPEAKER appointed the following conferees on the part of the House: Mr. SMITH of Idaho, Mr. SINNOTT, and Mr. HAYDEN.

TAX ON MOTOR-VEHICLE FUELS

Mr. ZIHLMAN. Mr. Speaker, I call up a conference report on H. R. 655 entitled "An act to provide for a tax on motor-vehicle fuels sold within the District of Columbia, and for other purposes. I ask unanimous consent, Mr. Speaker, that the statement of the managers on the part of the House be read in lieu of the report.

The SPEAKER. The gentleman from Maryland asks unanimous consent that the statement of the managers on the part of the House be read in lieu of the report. Is there objection?

Mr. GARRETT of Tennessee. Mr. Speaker, reserving the right to object, is the gentleman going to insist on final disposal of the conference report this evening?

Mr. ZIHLMAN. Not if there is any objection, I will say to the gentleman.

Mr. GARRETT of Tennessee. I think the gentleman had better let that matter go over for a time.

Mr. ZIHLMAN. I will say to the gentleman from Tennessee that the Senate has already agreed to the conference report.

Mr. GARRETT of Tennessee. This bill, in order to procure reciprocal arrangements with Maryland, levies a tax on gasoline in the District of Columbia, without any justification whatever for the levying of that tax. I do not know that I would accomplish anything by objecting and I am not going to press the objection, but I do not favor the idea of levying a tax on gasoline in the District of Columbia, when that tax is not needed, in order to secure reciprocal arrangements about automobile travel in the State of Maryland.

Mr. ZIHLMAN. I will say to the gentleman that the two Houses of Congress have added about half a million dollars to the taxes raised in the original bill. So that the tax is not being imposed to bring about reciprocal arrangements. It is what the two committees and the two Houses of Congress themselves consider a fair and equitable tax.

Mr. GARRETT of Tennessee. I would much prefer that the matter should go over until to-morrow.

Mr. ZIHLMAN. I shall not insist upon it, if there is any objection.

The SPEAKER. The gentleman from Maryland withdraws the report.

SPEAKER PRO TEMPORE

The Chair designates the gentleman from Connecticut [Mr. TILSON] as Speaker pro tempore, to preside at the evening session.

ENROLLED BILLS SIGNED

Mr. ROSENBLOOM, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

S. 2597. An act to authorize the construction of a bridge across the Fox River in St. Charles Township, Kane County, Ill.

S. 1724. An act to amend section 4414 of the Revised Statutes of the United States as amended by the act approved July 2, 1918, to abolish the inspection districts of Apalachicola, Fla., and Burlington, Vt., Steamboat Inspection Service.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to—

Mr. FROTHINGHAM, for three days, on account of illness.

Mr. WURZBACH, for four weeks, on account of urgent business.

RECESS

Mr. LONGWORTH. Mr. Speaker, I move that the House do now stand in recess until 8 o'clock this evening.

The motion was agreed to; and accordingly (at 5 o'clock and 40 minutes p. m.) the House stood in recess until 8 o'clock p. m.

EVENING SESSION

The recess having expired at 8 o'clock p. m., the House was called to order by the Speaker pro tempore (Mr. TILSON).

IMMIGRATION

Mr. JOHNSON of Washington. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 7995) to limit the immigration of aliens into the United States, and for other purposes.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union, with Mr. SANDERS of Indiana in the chair.

The CHAIRMAN. The Clerk will read.

The Clerk, continuing the reading of the bill, read as follows:

PERMIT TO REENTER UNITED STATES AFTER TEMPORARY ABSENCE

SEC. 9. (a) Any alien about to depart temporarily from the United States may make application to the Commissioner General for a permit to reenter the United States, stating the length of his intended absence, and the reasons therefor. Such application shall be made under oath, and shall be in such form and contain such information as may be by regulations prescribed, and shall be accompanied by two copies of the applicant's photograph.

(b) If the Commissioner General finds that the alien has been legally admitted to the United States, and that the application is made in good faith, he shall issue the permit, specifying therein the length of time, not exceeding one year, during which it shall be valid. The

permit shall be in such form as shall be by regulations prescribed, and shall have permanently attached thereto the photograph of the alien to whom issued, together with such other matter as may be deemed necessary for the complete identification of the alien.

(c) On good cause shown the validity of the permit may be extended for such period or periods, not exceeding six months each, and under such conditions, as shall be by regulations prescribed.

(d) For the issuance of the permit, and for each extension thereof, there shall be paid a fee of $6, which shall be covered into the Treasury as miscellaneous receipts.

(e) Upon the return of the alien to the United States the permit shall be surrendered to the immigration officer at the port of inspection.

(f) A permit issued under this section shall have no effect under the immigration laws, except to show that the alien to whom it is issued is returning from a temporary visit abroad; but nothing in this section shall be construed as making such permit the exclusive means of establishing that the alien is so returning.

Mr. YOUNG. Mr. Chairman, the subject of immigration may be approached from many angles. I wish to direct my remarks chiefly to the problem of assimilation.

The people of the first settlements in the United States were of British blood. The British race came almost entirely from two stocks, Teutonic and Celtic. The original British base was Celtic. Then came a great infusion of Teutonic blood with the invasion of the Angles, Saxons, and Jutes. Later there were fresh or further infusions of Teutonic blood with the invasions of Danes and Norwegians. These races, with comparatively slight admixtures of other bloods, have produced the great British democracy. Even at the time of the first American settlements the British had made very great progress in self-government, and in literature had reached their highest level. It was the age of Shakespeare, Spenser, and Milton; Bacon, Newton, and Harvey; Cromwell, Hampden, Jeremy Taylor, and John Bunyan. If the history of a nation is the history of its people, these immortals belong to us, and the great development in character and science of government which occurred during 12 centuries after the landing of the Angles and Saxons in England is a part of our history.

It is desirable to get this perspective. In other words, to have a proper understanding of this problem one must study the history of the American people, and to understand the American people one must study the history of the peoples from which they sprang, particularly Great Britain, from whom we got our language and laws. Also Ireland, Germany, Holland, and the Scandinavian countries, from whence later came so many people of Teutonic and Celtic blood; and to understand the problem of assimilation; also study the history of the countries of eastern Europe, from whence has come considerable of the immigration of recent years.

It is interesting also to trace the various settlements in the United States from the racial standpoint. The first settlements in the East, at Jamestown and Plymouth Rock, were from Great Britain, and for a considerable time thereafter the predominating immigration was from England. Then came additions from Holland, Sweden, and Germany. About the middle of the nineteenth century there was a decided increase of immigration, happily of Teutonic or Celtic blood. Large numbers came from Celtic Ireland, and later in the eighties and nineties there was a great influx from Norway, Sweden, Denmark, and Germany. These immigrants of Teutonic and Celtic blood were readily assimilated. They did not change American character, because they came to stocks which were largely Teutonic and Celtic. It is plain that American institutions are safe so long as immigrants come here who are substantially of the same blood as those races which came here during colonial days and up to three decades ago.

But what about assimilating people of other bloods, such as Slavs, Greeks, Assyrians, and Armenians? There are doubtless very good people among these; but if people of excitable or revolutionary types are admitted without limit, what will their influence be upon American character and American institutions, say, in 50 years, or 100 years, or 300 years? We owe so much to the generations which have gone before we should, if we are patriotic, have serious thought for the generations in America which will follow us. That should be our chief concern in voting on this immigration bill.

Mr. Chairman, I would like to get some information from the chairman of the Immigration Committee in respect to section 9. Is it largely new matter?

Mr. JOHNSON of Washington. This is entirely new, and it is planned by the committee to permit those persons who propose to go out of the United States on a visit, to be gone a year, to be extended.

Mr. YOUNG. If an alien were to leave Niagara Falls in the United States and go to Niagara Falls, Canada, would it be necessary for him to have a permit in order to return?

Mr. JOHNSON of Washington. No; there is another provision to take care of those who go back and forth.

Mr. YOUNG. There may be something else to show they are from this side and only go over temporarily?

Mr. JOHNSON of Washington. Yes.

The Clerk read as follows:

DEPORTATION

SEC. 13. Any alien who at any time after entering the United States is found to have been at the time of entry not entitled under this act to enter the United States, or to have remained therein for a longer time than permitted under this act or regulations made thereunder, shall be taken into custody and deported in the same manner as provided for in sections 19 and 20 of the immigration act of 1917.

Mr. McLAUGHLIN of Michigan. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 20, line 15, at the end of line 15, add the following: "Any alien hereafter convicted of a felony or more than once convicted of a misdemeanor by any court in the United States, if such felony or misdemeanor involves violation of the Constitution of the United States, in lieu of or in addition to such punishment as may be imposed, may be, and if the court shall so determine shall be, deported and cease thereafter to be eligible for admission to the United States."

Mr. RAKER. Mr. Chairman, I reserve the point of order on the amendment.

Mr. McLAUGHLIN of Michigan. Mr. Chairman, the amendment I have offered is, I believe, easily understood. There can be little, if any, doubt in the minds of the committee as to the purpose of it, why I offer it, or what it will accomplish if it shall become law.

Mr. MILLER of Washington. Will the gentleman yield?

Mr. McLAUGHLIN of Michigan. I will.

Mr. MILLER of Washington. I note that the gentleman uses the language "any court in the United States." Does the gentleman mean the United States court or a State court?

Mr. McLAUGHLIN of Michigan. I mean any court in the United States. I used the words "in the United States" and not "of the United States," so as to include State courts as well as Federal courts.

Mr. JOHNSON of Washington. Will the gentleman yield?

Mr. McLAUGHLIN of Michigan. Yes.

Mr. JOHNSON of Washington. The committee deliberately left this proposition out of the bill and made an order commencing deportation of those convicted in courts of record of violation of the liquor or narcotic act.

Mr. McLAUGHLIN of Michigan. I had in mind putting in "in courts of record." In our State only a court of record can try one who is charged with a felony.

Mr. JOHNSON of Washington. If the amendment should be adopted my firm belief is that unless the plan that is outlined in the gentleman's amendment should be taken or unless there is in conference between the two bodies an arrangement it might just as well pass as a separate act. It is the plan of the committee to carry that provision as an addition to the act to deport certain undesirable aliens and thereby to use the full machinery for deportation. Make it apply to these cases in case of conviction in courts of record. The committee paid a good deal of attention to this.

Mr. McLAUGHLIN of Michigan. I think very likely, in view of the law and the practice in the several States, the words "in a court of record" ought to be included in the amendment I offer. In case the words are included will there be any objection on the part of the committee to the adoption of the amendment?

Mr. PERLMAN. I reserve a point of order on it.

Mr. JOHNSON of Washington. The chairman would like to say that inasmuch as we have the bill perfected in committee now, the committee made this rule a little while ago after debating various matters on the calendar.

Mr. McLAUGHLIN of Michigan. The gentleman means the Committee on Immigration?

Mr. JOHNSON of Washington. Yes; it decided to place nothing else on the calendar until it had handled the immigration bill.

Mr. McLAUGHLIN of Michigan. It seemed to me that the amendment I have offered could very properly be made a part of this bill, and I have waited until the section relating to deportation has been reached. If it is acceptable to the chairman and other members of the committee, or to the majority of those who are present here, I do not see why it can

not be enacted here as well as in a bill under preparation now before the Committee on Immigration.

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

Mr. McLAUGHLIN of Michigan. Yes.

Mr. HOLADAY. I am in full accord with the purpose of the gentleman's amendment. The Committee on Immigration has been working on this very question, and the bill is almost ready to report.

There is one point I notice in the reading of the gentleman's amendment which it appears to me is not taken care of, and that is as to when the order of deportation shall take effect.

Mr. McLAUGHLIN of Michigan. I provide that he shall be forthwith deported.

Mr. HOLADAY. What about a man convicted of murder?

Mr. McLAUGHLIN of Michigan. He is not finally convicted until the entire proceeding is had by appeal and otherwise to determine finally his guilt.

Mr. JOHNSON of Washington. The gentleman wants him to serve his sentence?

Mr. McLAUGHLIN of Michigan. The amendment provides "in lieu of or in addition to the punishment that may be imposed," and only if the court shall so determine, the immigrant shall be deported.

Mr. JOHNSON of Washington. We can not afford in an immigration act to provide deportation as the sole punishment, or there will be cases where you will have men violating the Constitution and laws, to the extent of committing murder, in order to get themselves deported. That is quite positive. It has been the case in Western States in my experience, where they did not know that before they would be deported they would have to serve a term in the penitentiary.

Mr. McLAUGHLIN of Michigan. The amendment I have drafted covers that. I do not care to hasten matters; I do not care to force it on the committee; but it is very proper for the Committee of the Whole to consider it. I believe it is very important.

Mr. HOLADAY. I fully agree with the gentleman that it is important, but I believe that the amendment as introduced is not full enough, especially upon the point as to when the order of deportation shall take effect. I do not think the gentleman would want to provide for the deportation of a man who had committed murder.

Mr. McLAUGHLIN of Michigan. I would; yes.

Mr. HOLADAY. Before his sentence?

Mr. McLAUGHLIN of Michigan. It could be in addition to the sentence. Of course, there are States where the death penalty follows conviction for murder, in which case there would be sufficient deportation.

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

Mr. McLAUGHLIN of Michigan. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

Mr. RAKER. Mr. Chairman, I insist upon the point of order.

The CHAIRMAN. The gentleman from Michigan asks unanimous consent to proceed for five minutes.

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

Mr. McLAUGHLIN of Michigan. Yes.

Mr. RAKER. I call the gentleman's attention to this: This matter is on the calendar in the committee and the next thing in order after this bill is disposed of is that matter. I know that if the gentleman will study his amendment he would let it go over and let the committee act upon it.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan to proceed for five minutes more?

There was no objection.

Mr. RAKER. The amendment provides—

If such felony or misdemeanor involves a violation of the Constitution of the United States——

Mr. McLAUGHLIN of Michigan. Yes; if it involves a violation of the Constitution of the United States.

Mr. RAKER. Let me call the gentleman's attention to the fact that that would not cover the Volstead Act.

Mr. McLAUGHLIN of Michigan. Why not?

Mr. RAKER. Because that is an act of Congress.

Mr. McLAUGHLIN of Michigan. Surely; but the sale and manufacture of liquor is expressly forbidden by the Constitution of the United States.

Mr. RAKER. There is no law making it a crime to violate the Constitution. It is a crime to violate the provisions of the Volstead Act.

Mr. McLAUGHLIN of Michigan. A violation of the Volstead Act involves a violation of the Constitution itself.

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

Mr McLAUGHLIN of Michigan. Yes.

Mr. VAILE. The gentleman's amendment would not take care of violations of the narcotic act. That is not a violation of the Constitution of the United States.

Mr. HOLADAY. It would not take care of anything but treason.

Mr. MILLER of Washington. It would not take care of larceny.

Mr. McLAUGHLIN of Michigan. That is a State matter. It is in my mind that it is the duty of the United States to take care of the violations of Federal laws. I had chiefly in mind the prohibition act, because we hear on all sides, and the reports are to be credited, that a large number of the violations of the Volstead Act are by unnaturalized foreigners, and I think if the fear of God be put into their hearts, if there was before them the imminent danger of deportation, it would have a deterrent effect.

Mr. OLIVER of Alabama. Mr. Chairman, will the gentleman yield?

Mr. McLAUGHLIN of Michigan. Yes.

Mr. OLIVER of Alabama. There seems to be a very unanimous sentiment in favor of the general purpose the gentleman has in mind in offering the amendment, and the committee seems to object to it upon the ground that they are now considering a law of this kind. What assurance, may I ask, has the committee that that will really be allowed to come up at an early date?

Mr. JOHNSON of Washington. It is the order of business on the committee's calendar, and is the next thing to be attended to.

Mr. OLIVER of Alabama. When does the committee have a call?

Mr. JOHNSON of Washington. Our regular call is Thursday, but we meet nearly every day. If the gentleman will remember—he was in a previous Congress—a bill to provide for the deportation of certain offenders against the narcotic and liquor laws did pass the House. It did not pass the other body. It was never debated on the floor of the other body, but our committee learned that the flaw in the bill that we passed was that we did not provide for conviction in a court of record.

Mr. OLIVER of Alabama. The gentleman from Michigan probably has in mind that unless it is put on this bill it may not become a law.

Mr. McLAUGHLIN of Michigan. I wish to say a word or two more; I do not wish my time all taken up. Mr. Chairman, I must admit that the amendment I have offered was somewhat hastily drawn. It may not be properly worded; it may be too inclusive or not inclusive enough. I do not care to press it if I can be assured, and I believe others wish to consider it if they can be assured, that language covering this very important matter carefully drawn will at an early time be brought before the House.

Mr. RAKER. It is the next bill from the Committee on Immigration.

Mr. McLAUGHLIN of Michigan. That being the case, I ask unanimous consent to withdraw the amendment.

Before this time I have been listening, have not spoken on the pending immigration bill, not because of lack of interest, but because of the unusually large demand by others for time to speak, many of whom are better able than I to give the House information it evidently so much wishes to have.

I am and for years have been deeply interested in the subject of immigration, although I am pleased to say the State from which I come, particularly the district I represent, is and has been fortunate in the character of its immigrants. We are to a large extent, if not altogether, free of conditions which, if we credit speeches we listen to, as well as newspapers and magazines we read, are very unfortunate in some parts of the country and call for prompt and firm action by our Government, looking to the correction, if possible, of those conditions and prevention of their recurrence.

I am prompted to speak because some speeches made here have attracted my serious attention, as they must challenge the attention of others who, like myself, are unprejudiced and whose only wish and purpose is to influence, by votes and otherwise as they may be enacted relating to this very important matter.

Speeches attracting my attention, and of which I wish briefly to speak, are those which set forth the strange but not entirely new doctrine that people of foreign countries wishing to come to this country have a right to come; that while our Government has some more or less limited and indefinite right to regulate their coming, it has no right to prohibit it or materially to restrict it; that our immigration laws not only ought to be

but must be such as will provide equal opportunity for peoples of all foreign countries to come without any kind of discrimination, certainly without any right on our part to express an opinion or to make a selection of or as to those who can be or can not be admitted.

It is only fair to say that those who make the kind of speeches to which I refer do not, in so many words, assert the right of foreign citizens to come to our country regardless of our duly expressed wishes, nor do they, in so many words, deny to our Congress the right to enact immigration laws with regulatory and restrictive provisions, but they do say, and seem to believe, that such provisions must apply alike to peoples of all countries and in their practical operation must be acceptable to all; and they boldly assert that our Government has no right to exclude the people of any country. Strangely enough they say nothing of our policy of exclusion of the Japanese and the Chinese. If they have heard of that policy it is safe to say they approve and commend it.

There are comparatively few Japanese or Chinese in some congressional districts, and such as are domiciled there do not vote, whereas there are large numbers of European immigrants, most of whom sooner or later become American citizens and vote as their interests and the interests of their people seem to require.

These speeches do not openly deny the right of our Congress to enact immigration legislation, but the tone and evident purpose of many of them are such as to evidence a deliberate attempt to overcome and remove from our minds the old-fashioned, deep-seated conviction which many of us have that the right to regulate, restrict, or to prohibit immigration, even to the extent of permitting and encouraging immigration from one country while refusing like privileges to others, or to provide a system of selective immigration which might not be entirely satisfactory to any foreign country, is inherent in our Government in the exercise of its rights as a sovereign Nation, a right which must under no circumstances be denied, a right which under no circumstances is a joint right to be shared with or the exercise of which is dependent upon the wishes or interests of governments or peoples of other countries. This is indisputably a right of our Government, to be expressed and made effective by the Congress, and with this right is the duty of the Congress to act always and only in the interest of and for the protection of our own Government and our own people.

The time seems to have come when it is necessary for our Government to emphasize the indisputable fact that enactment of immigration laws in our own interest and for our own protection is its right and duty.

Peoples of foreign countries have come and will undoubtedly be permitted to come to our country, not at any time or in any sense as a matter of right, but as a privilege extended to them by our Government under laws enacted and to be enacted by the Congress, a privilege which may be modified and, if seems advisable or necessary, may be withdrawn.

While the right of the Congress to enact immigration laws which do not meet the wishes or the needs of peoples of other countries is not openly or directly questioned, it is very strenuously and evidently in good faith asserted that the Congress has no right to discriminate in favor of the people of one country and against those of another country; that any right or privilege relating to immigration extended by our Government to one or more countries must be extended to all others.

The position of those who make that assertion is untenable. The fact is, the Congress has a perfect right to exercise the very power which these speakers so vigorously would deny to it. It has a perfect right to discriminate, and if conditions in this country or in foreign countries are such as to make it necessary, in the judgment of the Congress, to do so, it is its duty to discriminate. If the Congress shall so determine, the very purpose of an immigration law may be to discriminate; and in expressing this determination it is the duty of the Congress to consider and have in mind the interests, the present and future welfare, only of our own country and its people.

It is frankly admitted by all whose duty it is to consider immigration measures that discriminatory features are exceedingly disagreeable and that inclusion of them in an immigration law ought if possible to be avoided; that is, as far as conditions in our country and in foreign countries permit. It is and always will be unfortunate if it shall be deemed necessary by the Congress to enact laws which extend privileges to one country while denying them to another.

The purpose and effect of all laws of our Government relating to foreign governments and their citizens ought, as far as possible, to be free of discrimination in favor of or against any of them; but as to our immigration, there is no room for doubt as to the right as well as the duty to discriminate at any time and to any extent the Congress shall deem necessary.

It has been said that in many of the treaties our Government has entered into with foreign governments it promises and agrees not to discriminate respecting immigration and that discriminatory features of this bill are contrary to the terms of such treaties. The fact is that every treaty in which any limitation of our right to discriminate is assumed by or imposed upon our Government relates to trade and commerce; in no treaty is there any limitation whatever of our right to discriminate as to immigration.

It is not necessary, in this connection, to speak of the remarkable results of immigration, as it has contributed to and influenced the growth and development of our country. Immigrants imbued with and carrying out their worthy purpose of becoming loyal American citizens have been welcome, and the helpful influence they have exerted and the value of the contribution they have made can not be overestimated. But conditions in some foreign countries inducing emigration to this country are in some respects different from those existing during the years when emigration from those countries to ours was highly desirable and eminently satisfactory and helpful from our standpoint. If conditions as they now exist make it advisable and necessary for the Congress to enact a law to regulate and restrict immigration, it is justified in enacting such a law and to provide for its strict enforcement. And such a law being necessary, the Congress ought to act without delay.

Why do I say that? It is evident that some features of the bill we are considering are distasteful to and are vigorously opposed by those who assume to express the sentiment of States and districts in which there are large numbers of foreign voters; that is, voters of foreign birth and descendants of men and women who came from foreign countries. If that sentiment, expressed here and elsewhere, influences the form and effect of regulatory and restrictive provisions to be written into this bill, if that is now the condition of affairs, when, at what time in the future, do you believe the Congress will be able to enact a law, if such a law shall be advisable or necessary, uninfluenced by considerations of political expediency such as now threaten to interfere with the passage of this bill?

As time goes on do you believe these unfortunate conditions, due to some extent to unrestricted immigration, will improve and disappear? Do you not know that without a properly restrictive immigration law properly enforced such unfortunate conditions as now exist will continue and continue to get worse?

I am not now expressing an opinion as to the necessity of enacting into law this bill or any of its restrictive features. The bill will be fully discussed and carefully examined by the House, and we shall later be better able than we are now to express an intelligent opinion.

I am speaking now only of the indisputable right of the Congress to enact this bill into law if, after full consideration, it shall determine to do so, and of the duty of the Congress to consider the present and future welfare of the people of the United States and of no other country. And I wish to repeat and to emphasize my belief that if a more restrictive law than we now have is necessary, this Congress ought to enact it, enact it now, because enactment at a later time, although necessity of such a law may be even greater than now, will be more difficult and may be impossible.

The bill is now being read section by section for debate and amendment. I shall, if opportunity offers, speak further of some features of it that are causing discussion and much difference of opinion here and throughout the country.

The CHAIRMAN. The gentleman from Michigan asks unanimous consent to withdraw the amendment. Is there objection?

Mr. SABATH. I object for the purpose of speaking to the amendment.

The CHAIRMAN. The gentleman from Illinois rises in opposition to the amendment.

Mr. SABATH. Mr. Chairman, I do so in order that I may impress upon you the fact, namely, that section 19 of the immigration law that is now in force provides the following:

> Any alien who is hereafter sentenced to imprisonment for a term of one year or more because of conviction in this country of a crime involving moral turpitude, committed within five years after the entry of the alien to the United States, or who is hereafter sentenced more than once to such a term of imprisonment because of conviction in this country of any crime involving moral turpitude, committed at any time after entry; any alien who shall be found an inmate of or connected with the management of a house of prostitution or practicing prostitution after such alien shall have entered

the United States, or who shall receive, share in, or derive benefit from any part of the earnings of any prostitute; any alien who manages or is employed by, in, or in connection with any house of prostitution or music or dance hall or other place of amusement or resort habitually frequented by prostitutes, or where prostitutes gather, or who in any way assists any prostitute or protects or promises to protect from arrest any prostitute; any alien who shall import or attempt to import any person for the purpose of prostitution or for any other immoral purpose; any alien who, after being excluded and deported or arrested and deported as a prostitute, or as a procurer, or as having been connected with the business of prostitution or importation for prostitution or other immoral purposes in any of the ways hereinbefore specified, shall return to and enter the United States; any alien convicted and imprisoned for a violation of any of the provisions of section 4 hereof; any alien who was convicted, or who admits the commission, prior to entry, of a felony or other crime or misdemeanor involving moral turpitude; at any time within three years after entry, any alien who shall have entered the United States by water at any time or place other than as designated by immigration officials, or by land at any place other than one designated as a port of entry for aliens by the Commissioner General of Immigration, or at any time not designated by immigration officials, or who enters without inspection, shall, upon the warrant of the Secretary of Labor, be taken into custody and deported.

So we have a very strong provision in the present law. I want to call your attention to the fact that there is a very stringent deportation provision in this section of the present act, and I do not desire to take up the time of the committee now by reading the entire provisions of that act.

Mr. McLAUGHLIN of Michigan. I want to say that I hope the gentleman's committee feels as I do, that some additions to this provision are necessary.

Mr. HUDSON. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. Does the gentleman from Illinois yield for a parliamentary inquiry?

Mr. SABATH. I yield to the gentleman from Alabama [Mr. OLIVER].

Mr. OLIVER of Alabama. In view of the very great interest the House seems to feel upon this question, it may not be out of place to suggest to the gentleman from Illinois that the Department of Labor informed the subcommittee who are handling the appropriations for the department that the appropriations which have been approved by the Budget were entirely inadequate to deport many who should be deported; that to deport many that they would like the funds are inadequate. I make that mention because the bill will come up next week and the House will consider it.

Mr. SABATH. I will say it is unfortunate, indeed, that the department takes that position and say we do not appropriate enough money to deport all those who should be deported, and I am ready to vote with the gentleman or any of the committee to enforce any and every section of this law.

Mr. TINCHER. Will the gentleman yield?

Mr. SABATH. I yield to the kind gentleman from Kansas.

Mr. TINCHER. Does not the gentleman think the best way to be sure to have enough money to carry on the deportation business is to be more careful in a selection of those whom we import?

Mr. SABATH. That is what I am trying to do, if I can make myself understood; that is what I am trying to do.

Mr. HUDSON. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. HUDSON. Do I understand, if we pass this section over to-night, that the amendment that some gentlemen would like to see in it would be precluded by so doing?

The CHAIRMAN. If the section is passed over, it can only be returned to by unanimous consent.

Mr. HUDSON. It seems to me we are allowing the matter to go over on the assurance of the committee that they are going to bring in a bill covering the subject.

The CHAIRMAN. The Chair will state the parliamentary situation. The gentleman from California has made a point of order on this amendment. The gentleman who offered the amendment asked unanimous consent to withdraw it, and it was refused.

Mr. SABATH. I withdraw my objection.

The CHAIRMAN. The question now before the Chair is to rule on the point of order.

Mr. RAKER. The gentleman from Illinois withdraws his objection to the unanimous consent.

The CHAIRMAN. The gentleman from Illinois withdraws his objection, and the question is, Is there objection to the withdrawal of the amendment? [After a pause.] The Chair hears none. The amendment is withdrawn, and the Clerk will read.

Mr. ASWELL. Mr. Chairman, I offer the amendment which I send to the Clerk's desk.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. ASWELL: Page 20, line 15, after the figures "1917," insert four new sections as follows:

"SEC. 13 (a). The Secretary of Labor shall from time to time in cooperation with the various States and Territories desiring or in need of immigration collect and publish for distribution in foreign countries information concerning the resources, products, and physical characteristics of each such State or Territory and the opportunities for profitable employment existing therein, and such other information as will enable consular officers to select immigrants of the class and occupation needed and who are qualified by education, training, or previous experience to meet the necessary requirements. The publication herein provided for shall be in the language of the country where distributed, and shall be in such form as shall by regulations be prescribed. Consular officers shall post such information in public or other places or otherwise distribute the same in such manner and to such extent as will bring the information to the notice and attention of prospective immigrants.

"SEC. 13 (b). Consular officers shall give preference in the issuance of immigration certificates to such immigrants as are of the class or occupation desired by any particular State or Territory as set forth in the publication provided for in section 15 and who signify an intention to go to the designated place in such State or Territory where immigration of such class or occupation is desired for the purpose of engaging in the needed occupation, and who shall in writing agree to such conditions as may by regulations be prescribed to insure that the immigrant will in good faith engage in such occupation in such place in such State or Territory and otherwise carry out the intent and purposes of this and the preceding section."

Mr. RAKER. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. RAKER. When a section of an amendment has been read and you get down to the point where it is shown that it is clearly not in order and not germane, is it necessary to read the whole amendment?

The CHAIRMAN. It is only necessary to read a sufficient amount to show that the amendment is not germane. The Clerk will continue to read.

The Clerk read the remainder of the amendment, as follows:

"SEC. 13 (c). The written agreement provided for in section 13 (b) hereof shall be executed in duplicate, the original of which shall be delivered by the immigrant to the immigration officer in charge at the port of arrival, who shall make such notation thereon and such disposition thereof as shall by regulation be prescribed. Upon his arrival at his final destination the immigrant shall deliver the duplicate of said agreement to the postmaster located at such place or place nearest thereto, who shall indorse thereon the date and place of immigrant's arrival and forthwith forward the same to the Bureau of Immigration.

"SEC. 13 (d). Immigrants given preference as provided in section 13 (b) hereof shall, on or before the 15th day of each month after their arrival at their final destination in the United States and for such period as may by regulations be prescribed, personally deliver to the postmaster of the place where such immigrant resides a report in writing in such form and containing such information as may by regulations be prescribed, which report shall be immediately forwarded by such postmaster to the Bureau of Immigration; and any such immigrant who willfully refuses or neglects to so deliver such report for more than three successive months, or who willfully fails or refuses to comply with the terms and conditions of the written agreement executed by him under section 13 (b), or who, without the consent and approval of the Secretary of Labor, abandons the occupation specified in such agreement and engages in another, or who without such consent and approval is absent from the State or Territory therein specified continuously for more than six months, or without such consent and approval establishes his residence in another State or Territory, shall at any time thereafter be deported in accordance with sections 19 and 20 of the immigration act of 1917 at the expense of the appropriation."

Mr. RAKER. Mr. Chairman, I reserve a point of order on the amendment.

The CHAIRMAN. The gentleman from California reserves a point of order on the amendment.

Mr. ASWELL. Mr. Chairman and gentlemen, the provisions of this amendment are in part the immigration laws of Canada. The title of this bill is "To limit the immigration of aliens into the United States, and for other purposes." In my opinion, this amendment is the crux of this bill. If you are concerned first of all, as most of us have claimed to be, in the welfare of the American people, you will vote for this amendment.

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

Mr. ASWELL. In a minute. It is my humble opinion—and I have gone through this bill with two experts—that if adopted as it stands, with its ratholes, the nonquota immigrant provision, and the other exceptions, it will admit into the United States annually not fewer than 500,000 immigrants. Under the recent decisions of the Supreme Court, with the enactment of this bill—and I shall vote for it, though it can not be amended—immigrants who came to this country 10 or 20 years ago forgetting all about their wives and children can now bring them to the United States under the nonquota immigrant clause.

You will find that there will be admitted to the United States, without selection, at least from 200,000 to 300,000 nonquota immigrants, while the country believes that it will limit immigration to 2 per cent on the census of 1890, as has been advertised. I shall not object to the number if you will put into this bill a provision that will select and distribute these immigrants throughout the United States among the industries in which they are needed to do the work for which they are fitted, and to which they are accustomed.

Somebody may immediately say that this amendment violates existing law. This question is of such superlative importance to the American people that, in my opinion, we would be amply justified in modifying or repealing any law that might be in conflict with this amendment. I believe that this amendment would be a most important part of this bill and the most far-reaching and beneficial step that the American Congress has ever taken in the interest of the welfare of the American people. I believe if you will read it carefully, your unanimous opinion will be that it ought to be adopted, and I believe if the question was left to the American people, 70 per cent of the people of the country would vote for just such an amendment as this.

The people of the country want the Congress to shut out and keep out all except the man who proves to the American officer on the other side that he seeks to work and is eager to become an American citizen—ready as such to support and perpetuate the institutions, not those transplanted from Europe but of this Republic.

Mr. RAKER. Just one word, Mr. Chairman, not on the point of order but on just the other feature. The gentleman's amendment would, notwithstanding Article XIII of the Constitution of the United States, permit and authorize slavery. The Supreme Court of the United States has repeatedly rendered decisions on that question. The last decision on that question was rendered by Mr. Justice Hughes. If you put a man in a certain place and keep him there and make him stay there you impose upon him virtual slavery.

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

Mr. RAKER. I yield for a question.

Mr. ASWELL. There is nothing in this amendment that suggests slavery or punishment. It merely arranges with the immigrant on the other side to do a certain thing. If he decides not to do it he either must get permission from the Secretary of Labor not to do it or he goes back home.

Mr. RAKER. It is the old doctrine respecting the man who agrees to stay with you, but this agreement does not allow you to deny him a volition.

Mr. ASWELL. This does not do that, as anyone who reads it can readily see.

Mr. RAKER. I say it does. He can not go from State to State, and if he does he is deported.

Mr. ASWELL. He goes at will, but under the authority of the Secretary of Labor.

Mr. RAKER. It is involuntary slavery so plain and clear that it does not require the citation of any decisions on the question. I make the point of order against the amendment.

Mr. ASWELL. I ask the gentleman not to make a point of order, and let us discuss it and have a vote on it.

The CHAIRMAN. Does the gentleman from California withdraw his point of order?

Mr. ASWELL. The gentleman from California is mistaken on the point of servitude, because if he had read the amendment correctly he would see that it provides that the applicant on the other side, seeing the attractive fields of opportunity here, agrees to go to a certain section voluntarily, which he selects from the advertising matter sent to him; and if he does not keep his agreement, he can be deported. He is allowed to select the place and go where he pleases, but the Government should have authority to keep track of him and see to it that he becomes not a charge upon the State but a contributing citizen. It is clearly the duty of the Congress to thus protect our Government and our own people for our own defense. It will be the greatest possible blessing to the alien in America. Several gentlemen on this floor have argued eagerly all day, not for the American people but for the alien. Now is your chance to aid the alien, whom you seem to represent here.

Mr. LAGUARDIA. Mr. Chairman, I desire to be heard on the point of order.

The CHAIRMAN. The Chair will hear the gentleman.

Mr. LAGUARDIA. The section under consideration provides for the deportation of aliens. The gentleman's amendment as an amendment to this section does not relate to deportation at all, but relates to the importation of aliens and to advertisements soliciting the importation of aliens.

Mr. ASWELL. You will find it deals with the deportation and immigration of aliens.

Mr. LAGUARDIA. It can not be connected in any way with section 13.

The CHAIRMAN. The Chair is ready to rule. The amendment offered by the gentleman from Louisiana [Mr. ASWELL] is composed of four or five different sections dealing with the question of advertisements in the different foreign countries with respect to prospective immigrants, and dealing subsequently with the conduct of the immigrants who are admitted to this country.

The point of order is sustained.

The Chair is of the opinion that the amendment is not germane to the point in the bill at which it is offered, and the point of order is sustained.

Mr. ASWELL. A parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. ASWELL. Is any one of the four sections germane?

The CHAIRMAN. The Chair will decide that question when it is presented to him.

Mr. LAGUARDIA. 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. LAGUARDIA: Page 20, line 8, after the word "time," insert the words "within five years."

Mr. LAGUARDIA. Mr. Chairman, I want to appeal to the committee for their attention just a moment. There is no crime in any jurisprudence but what a statute of limitations is fixed, and it occurs to me that the purpose of keeping a possible deportation indefinitely open——

Mr. JOHNSON of Washington. We will save time on this. This does not deal with crime at all; this is deportation for having been found, at the time of entry into the United States, not to be entitled to enter the United States under the act.

Mr. LAGUARDIA. Exactly. For the purposes of comparison, even if a man commits a heinous crime there is a statute of limitations providing for a time after which you can not indict him. It seems to me that if a man enters unlawfully and you give the Government five years' time in which to deport that man, you have surely given sufficient time, and I do not think you want to hold that over his head for 15 or 20 years, or even longer. Such a man is permanently established in this country, and I am sure the gentleman from Washington believes this is too severe.

Mr. JOHNSON of Washington. No; because, when this is perfected, no person will come here without one of these certificates, not a single person, and that being the case, no person can be found here without having a certificate to his credit in the Department of Labor showing his right to be here.

Mr. LAGUARDIA. If that is true, why do you provide for the deportation of an alien at any time, say, 15, 20, or 25 years?

Mr. JOHNSON of Washington. I will tell the gentleman why. Among other things, the reason why is that we now have 10,000 requests in the Labor Department from men who are asking for nunc pro tunc consideration; they want to have it said that they arrived properly in the United States and, as I say, there are 10,000 such requests. They want to be the voters of the United States; yet the supposition is that they came in surreptitiously, and the ones who came in surreptitiously are the first ones who want to have the record made clean, and are asking for that determination.

Mr. LAGUARDIA. The gentleman from Washington will not charge they are not law-abiding citizens?

Mr. JOHNSON of Washington. No; but there is some flaw in the way they came into the country.

Mr. LAGUARDIA. Let us assume that to be true for the sake of argument only, namely, that there is some flaw in the manner in which they entered the country. They have been here, some of them, for 10, 15, and 20 years, and they have been peaceful, law-abiding citizens, and that being so, why do you want to enact a provision whereby, 15 or 20 years afterwards, they can be picked up and sent back?

Mr. JOHNSON of Washington. This paragraph does not apply to that at all.

The CHAIRMAN (Mr. CHINDBLOM). The time of the gentleman has expired. The question is on agreeing to the amendment offered by the gentleman from New York [Mr. LAGUARDIA].

The amendment was rejected.

The Clerk read as follows:

MAINTENANCE OF EXEMPT STATUS

SEC. 14. (a) The admission to the United States of an alien excepted from the class of immigrants by clause (2), (3), (4), or (6) of section 3, or declared to be a nonquota immigrant by subdivision (e) or (g) of section 4, shall be for such time as may be by regulations prescribed, and under such conditions as may be by regulations prescribed (including, when deemed necessary, the giving of bond with sufficient surety, in such sum and containing such conditions as may be by regulations prescribed) to insure that, at the expiration of such time or upon failure to maintain the status under which admitted, he will depart from the United States, together with, in case of an immigrant admitted as a skilled laborer under subdivision (e) of section 4, his wife and children admitted as nonquota immigrants under subdivision (f) of section 4.

(b) For the purposes of this section the marriage of an immigrant ineligible to citizenship admitted as a student under subdivision (g) of section 4 shall be considered to be a failure to maintain the status under which admitted.

Mr. SABATH. Mr. Chairman——

Mr. LITTLE. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Illinois is recognized.

Mr. SABATH. Of course, again I will be criticized by some of my friends for calling attention to this provision. On page 7, in section 4, we permit——

Mr. LITTLE. That is the one I had in mind.

Mr. SABATH (continuing). The importation of skilled labor when such labor can not be found in the United States. I understand that during the last year there were about 3,000 or 4,000 skilled mechanics permitted to come outside of the quota provision. Now, some of these men, by chance, are married men, and we give them the privilege, of course, of bringing their wives and their children; but if for any reason after a few years such skilled mechanic or laborer loses or quits that employment he is obliged to depart. Now, the provision to which I have reference provides that if he does depart, as he is obliged, that his wife and his children—whom we have permitted to come—must also depart with him.

Now, it might be that such a man might be here three or four years and he might have a child or two born in the United States. Notwithstanding that fact, however, under this provision, as I understand it, he would have to depart with his wife and children. Of course, he could leave his minor children, 2 or 3 years old, here and they would not be subject to deportation. I appreciate that, but as I read it, I am of the opinion that is what will be done and will have to be done in such cases, under this provision, unless the Secretary of Labor or the people who have charge of the enforcement of the law fail to do their duty, as it is continuously charged they are failing to do it.

Mr. VAILE. Will the gentleman yield?

Mr. SABATH. Yes.

Mr. VAILE. I want to call attention to the fact that only those would be required to go out who have been admitted as nonquota immigrants.

Mr. SMITH. Yes.

Mr. VAILE. And it is a matter discretionary with the Secretary, in any event.

Mr. SABATH. I say that under that provision I think they would have to be deported. But realizing that the gentleman from Colorado is a student and a deep student——

Mr. VAILE. I thank the gentleman.

Mr. SABATH (continuing). And knows each and every provision of the law so thoroughly, I hope he will give the proposition a little bit of his time and inform the House, as well as myself, as I am rather dull in understanding some of these provisions, whether my contention is right, and whether I am right or whether I am wrong. I hope I am wrong. Of course, I understand that the children born of men in the United States will not be subject to deportation, but I would like to be informed as to whether the wife of such a man and his other children, who have been admitted under that other clause, would have to be deported or not.

Mr. VAILE. If the gentleman asks me, I think the gentleman is straining at a gnat. Of course, they would not be deported.

Mr. SABATH. How do you construe the provision when you say they would not be deported? Do you do so as a lawyer or member of the Immigration Committee?

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

Mr. LITTLE. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Kansas is recognized in opposition to the motion to strike out the last word.

Mr. LITTLE. I rise to ask a question of the Chairman. On page 21 I find a section which refers back to page 7. On page 7 I find that an immigrant who is a bona fide student over 18 years of age can come to this country and go to college. On page 21 I find that for the purposes of this section the marriage of an immigrant ineligible to citizenship admitted as a student shall be considered as a failure to maintain the status under which she was admitted. That would deport the lady, would it not?

Mr. JOHNSON of Washington. No; it would deport the man.

Mr. LITTLE. Suppose she marries a good American citizen and has a baby. What becomes of this baby?

Mr. JOHNSON of Washington. In actual deportation cases the child goes with the parents.

Mr. LITTLE. This child is an American citizen.

Mr. JOHNSON of Washington. That is all right. Under all laws in regard to nationality of the various countries a presumption is made. Of course, the child born here is an American citizen. I will tell the gentleman of a case we had very recently. We had the case of a man born in Ireland who got into some trouble on account of a crime committed in one of the western States. On his way to the United States, however, he stopped three years in Canada, and two children were born there to his wife. He had two when he came from Ireland, and he brought the two Irish and two Canadian children on to the United States, where his wife had two more children. Then this fellow got into the penitentiary and the case got to a point where the Federal Government desired to deport him. Ireland would not take him because, they claimed, he had been domiciled in Canada. Canada would not take him because they have a very peculiar law as to domicile, and none of them would take him because he had the two American children, and he is still on our hands.

Mr. LITTLE. This boy baby may some day be President. What becomes of the American Constitution, if you can deport an American citizen?

Mr. JOHNSON of Washington. You can not deport the child, and if the mother elects to go out of the country and take the child, that child is not deported.

Mr. SABATH. But what will you do with the child if the father and mother are deported?

Mr. LITTLE. Mr. Chairman, I would like to ask the gentleman another question.

Mr. QUIN. Mr. Chairman, I would like to know whether the gentlemen are holding a private conversation over there or whether we are considering the bill.

Mr. LITTLE. I would like to ask the gentleman what becomes of the child unborn?

Mr. JOHNSON of Washington. It travels out with the mother, probably.

Mr. LITTLE. The father is an American. Suppose he seeks to restrain deportation on the ground that the baby would not be an American if his mother is deported, and he is born abroad? If the baby is in arms and must have his mother, can you deport the mother; and if so, what becomes of the future President? I am not sure that this business is constitutional.

Mr. FREE. This only applies to ineligible citizens.

Mr. MILLS. Mr. Chairman, I move to strike out the last two words. I would like to ask the chairman of the committee whether paragraph (b) of section 14 would not have to come out of the bill in the event the committee decides to strike out the section with reference to immigrants ineligible for citizenship?

Mr. JOHNSON of Washington. Of course, this applies to that provision, but it would not necessarily have to come out. There are other cases that might be affected by this language.

Mr. RAKER. I would like to call the gentleman's attention to Koreans, Hindus, Chinese, Malays, and all others of that class. This is put in here to let everybody come in who wants to go to school; but let them attend to their school business, and when they get ready to raise families, let them go home.

Mr. MILLS. But if the section with reference to those ineligible for citizenship went out of the bill, would not that necessarily require the amendment of this particular subdivision?

Mr. JOHNSON of Washington. I think not.

The Clerk read as follows:

PENALTY FOR ILLEGAL TRANSPORTATION

SEC. 15. (a) It shall be unlawful for any person, including any transportation company, or the owner, master, agent, charterer, or consignee of any vessel, to bring to the United States by water from any place outside thereof (other than foreign contiguous territory) (1) any immigrant who does not have an unexpired immigration certificate, or (2) any quota immigrant having a certificate specifying him as a nonquota immigrant.

(b) If it appears to the satisfaction of the Secretary that any immigrant has been so brought, such person, or transportation company, or the master, agent, owner, charterer, or consignee of any such vessel, shall pay to the collector of customs of the customs district in which the port of arrival is located the sum of $1,000 for each immigrant so brought, and in addition a sum equal to that paid by such immigrant for his transportation from the initial point of departure, indicated in his ticket, to the port of arrival, such latter sum to be delivered by the collector of customs to the immigrant on whose account assessed. No vessel shall be granted clearance pending the determination of the liability to the payment of such sums, or while such sums remain unpaid, except that clearance may be granted prior to the determination of such question upon the deposit of an amount sufficient to cover such sums.

(c) Such sums shall not be remitted or refunded, unless it appears to the satisfaction of the Secretary that such person, and the owner, master, agent, charterer, and consignee of the vessel, prior to the departure of the vessel from the last port outside the United States, did not know, and could not have ascertained by the exercise of reasonable diligence, (1) that the individual transported was an immigrant, if the fine was imposed for bringing an immigrant without an unexpired certificate, or (2) that the individual transported was a quota immigrant, if the fine was imposed for bringing a quota immigrant whose certificate specified him as being a nonquota immigrant.

Mr. JOHNSON of Washington. Mr. Chairman, I offer a committee amendment to perfect the text.

The CHAIRMAN. The gentleman from Washington offers an amendment, which the clerk will report.

The Clerk read as follows:

Committee amendment offered by Mr. JOHNSON of Washington: Page 21, lines 18 and 19, strike out the word "specifying" and insert in lieu thereof the words "the visa in which specifies."

Mr. SABATH. Mr. Chairman, I rise in opposition to the amendment for the purpose of asking a question of the chairman. What will this amendment do?

Mr. JOHNSON of Washington. This amendment is made necessary on account of the plan to change the certificate to the application which, when visèed, becomes a certificate. It does nothing but perfect the text to accomplish that purpose.

The CHAIRMAN. The question is on the committee amendment.

The question was taken, and the committee amendment was agreed to.

Mr. JOHNSON of Washington. Mr. Chairman, I have another amendment of similar import to the same section.

The CHAIRMAN. The gentleman from Washington offers an amendment, which the Clerk will report.

The Clerk read as follows:

Committee amendment offered by Mr. JOHNSON of Washington: Page 22, line 21, after the word "immigrant" insert the words "the visa in."

Mr. SABATH. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I really do not know, but I presume the amendment is all right and means to perfect the provision; but what I desire to do is this: I do not want to do anything that might aid specially the British Steamship Co. I picked up to-night the Washington Times, and on the first page I see that the British company and various subsidiaries are getting control of many American industries in the United States, including the oil industry; and knowing that they have nearly complete control of the steamship business, I am not ready to give them any more than I can possibly help.

I know in the last two years I have called attention of this fact to the Department of Commerce and the Department of State, that the British lines were securing all the steerage passengers, that they were advertising that people could come to Canada and then it would be easy for them to penetrate into the United States.

They have caused a great deal of hardship through misrepresentation and false pretenses. Some of the steamship companies between Great Britain and Canada have brought thousands of people over there who were made to believe that they could enter the United States through Canada, and then they were left stranded in Canada. I think it is manifestly inhumane and unfair and unjust that we should in any way help, aid, or assist in such practice. It is for that reason that I have risen to bring this home to the membership of the House.

In connection with that I want to say that I can not quite grasp, I can not quite understand, how it is possible in the year 1923 that we should receive from Canada alone 117,000 immigrants, and in the first nine months of 1924 we should receive 163,000 immigrants from Canada. I do not think they are all Canadians. I think there is something wrong somewhere. If it is all on the square, if they are all Canadians and there are 163,000 arriving in nine months I want to ask whether that meets with the approval of this House?

Mr. QUIN. I would like to ask the gentleman how we are going to visé the passports of British ships?

Mr. SABATH. I do not know what system they use in England in bringing people to Canada. I have explained that they have misled many immigrants in getting them on their ships from Great Britain into Canada.

Mr. QUIN. They have got to stay in Canada; they can not come into the United States.

Mr. SABATH. They have promised the people that they can enter the United States after they once reach Canada.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SABATH. I take the leave to insert the article from the Washington Times I referred to.

FOREIGN OIL COMPANIES USE UNITED STATES AS CAT'S-PAW—AMERICANS GUARD AS OTHERS FILCH—BRITISH COMPANIES, THROUGH SUBSIDIARIES HERE, GET PROTECTION OF EAGLE AND LION

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(By Jonathan Wickwire)

Threatening as are the facts of the alien invasion in the American petroleum industry heretofore disclosed, their significance is of but picayunish importance compared with the possibilities—they came near to flaming actualities but recently—of national undoing that lie in the facts yet to appear.

The main fact is that foreign oil interests, through the medium of their camouflaged American subsidiaries, can and do influence the foreign policy of the United States—did help to influence it but lately, almost to the point of war upon Mexico.

MONEY FOR PROPAGANDA

Americanized units of foreign oil companies and domestic concerns with foreign contracts have been liberal contributors, as their officials have been active workers in those propaganda agencies which, with former Senator Albert B. Fall as their principal governmental mouthpiece, lavished fortunes of time, effort, and money to influence this Government and people in its attitude toward Mexico; to accept the blackmailing Colombian treaty; to protest mining laws restrictive of their rapacity in Central America, the islands of the Caribbean, Venezuela, and other South American countries.

Dutch-Shell, Anglo-Persian, Cowdray, among the greatest foreign monopolists, not to mention numbers of the smaller fry, throughout the most troublous period of our relationship with Mexico were represented substantially in the membership of those various "American" agencies that were pressing hardest for a "firm and aggressive" American solution of the Mexican problem, which later were most active in driving the Colombian treaty through the Senate, spending untold sums to create a public opinion which, if not exactly favorable, at least would remain quiescent while the deal was being put through.

A HANDY CAT'S-PAW

Uncle Sam is a handy cat's-paw to claw out rich concessions from the weaker nations of this hemisphere and to threaten with if disturbance of their feast is feared. Even further afield they see it of potential influence, it appears.

Take the case of Kern River Oil Fields (Ltd.), a £1,500,000 British company, mentioned earlier as operating in the United States through California subsidiaries. The Kern Co. recently acquired petroleum concessions in far-away Rumania, for the exploitation of which Kern Romana was organized, not as a subsidiary of the parent concern in London, but as a subsidiary of its major California unit.

Evidently the British company management figured that though the possibility of physical intervention would be negligible, "moral support" of British protests, should they think their property endangered, would not fall amiss. There are other somewhat similar trials that lead into other corners of the world, but it is in activities in nearer-by Latin-American countries that greatest danger lies.

Thus the Scottish-American Oil & Investment Co. (Ltd.), a £10,000,000 subsidiary of the British Government controlled Anglo-Persian, owns controlling interest in the $25,000,000 New York corporation, the Southern Oil & Transport Co.

The Southern Oil & Transport Co. in turn controls the Scottish-American, Tal Vez, Tampico Navigation, Fuel Oil Distribution, Tank Shipbuilding, and Sunset Fuel Co.'s, and owns interests in the Producers' Terminal and the Investment Co. of Mexico, and through them 46 square miles of oil lands in the Panuco district, with pipe lines, storage reservoirs, wharves, tank steamers, and all the whatnot of a great producing and distributing concern.

DIFFICULT FOR MEXICO.

It must be a bold Mexican Government that would dare challenge the rectitude of any act of this company, braving the talons of the American eagle and the heavy paws of the British lion.

Then there is the Oil Fields of Mexico Co., incorporated in Delaware, with $1,000,000 preferred stock and 900,000 shares of no par common, valued at upward of $10,000,000 in the market, operating under the ægis of Lord Cowdray's $75,000,000 Mexican Eagle Co., now controlled under an operating agreement by the all-persuasive Dutch-Shell.

This concern withdrew its membership in the Petroleum Producers' Association in 1921 when it appeared that efforts to bring about American intervention might fail, and sought unsuccessfully to bargain directly with the newly elected Obregon for preferred position in the Mexican field. Whether or not it has since returned to the Producers' Association fold seems to be in dispute. At any rate, it is in position, through the Oil Fields of Mexico Co., to renew its clamor for protection by the American State, War, and Navy Departments whenever it feels its interests threatened.

Colombia, with its $25,000,000 sweetened treaty—what are American interests in petroleum in that South American country? Here, at least, is one of them: The Tropical Oil Co. was incorporated in Delaware in 1919 with $50,000,000 authorized capital, to exploit a great Colombian concession. The Tropical Oil Co. is a subsidiary of the International Petroleum Co. of Canada, which itself is controlled by Imperial Oil (Ltd.), a $50,000,000 Canadian corporation closely affiliated with Standard Oil. Tropical Oil should be safe with the armies and navies of both Great Britain and the United States to call upon at need.

TWO BIRDS UNDER ONE WING

Venezuela also has its "American" company, the Standard Oil subsidiary American-British Oil Co. of Delaware, with $5,000,000 initial capital, which is under contract with British Controlled Oilfields (Ltd.), a $45,000,000 corporation of Montreal, Canada, to develop approximately one-third of that company's practical monopoly of the Venezuelan oil fields. Another third, British Controlled (Ltd.), has contracted to Dutch-Shell interests, reserving the balance for its own exploitation. It is scarcely conceivable, though, as the country lies, that American marines, if called in emergency, could successfully protect the American-British company interests without affording almost equal protection to the properties of its British parent and its Anglo-Dutch uncle.

The British-Mexican Petroleum Co., a £6,000,000 English company, is another example of the mysterious workings of alien control. Organized in 1919, this company is reported by British financial agencies to have a contract, with 20 years to run, with Edward L. Doheny's Mexican Petroleum Co., and all its Mexican subsidiaries, for so much of their production as it can find a market for in the Eastern Hemisphere.

The British-Mexican company was reported organized to take over, with modifications, a similar contract first entered into between Doheny and a group of great British shipping interests in 1916, before the United States entered the World War. And from that time to the present Doheny has been the generally accepted head and front of the Mexican interventionist movement in this country.

If space were available it would be possible to follow many more such covered trails into lands near and far. But it seems better to get back for a moment, before closing this series, to some figures that seem to reveal something of the fundamentals of the petroleum problem as it especially affects the United States.

The alien oil companies are here and the evils they have brought and increasingly threaten can be minimized only partially by a knowledge of the facts. American oil companies, could they be induced to turn back from their wild race to saturate the world with American petroleum products, concentrating their efforts now, as later they must, solely on supplying American needs, might stave off by many years the day when the United States, her own reserves gone, will be at the mercy of foreign producers.

EXPORT CUTS DOUBLE

The export trade cuts double, as authoritative figures show. The United States, by the latest estimate of the United States Geological Survey, produced 735,000,000 barrels of crude oil, in the year 1923. Domestic consumption for the same year, as estimated by the American Petroleum Institute, was but 589,630,976 barrels. Exports and oil bunkered by foreign ships totaled 137,000,000. The surplus was put in temporary storage to await a market. Figures as to imports shows a wide discrepancy, the institute showing a little less than 100,000,000 barrels imported from Mexico, while the Mexican petroleum department reports 135,000,000 barrels exported here. The divergence is explainable and the Mexican figures probably would be safe enough.

Mr. QUIN. Mr. Chairman, I move to strike out the last word. Our good friend from Illinois [Mr. SABATH] wants the United States to appear and act, if not as real guardian at least as guardian ad litem, for the foreign population in all the countries across the seas, because, as he says, the passports on British ships are improperly viséed. He says we are aiding and abetting the British shipowners in bringing the people as immigrants to Canada—aiding and abetting by not having their passports viséed. I want to make it so hard for the immigrant to come to this country that not only would he have to have his record from his birth up but he would have to have all kinds of passports to get over to the United States. [Applause.]

I can not see why some Members of Congress should be called upon on all occasions to be the special sponsors of the people abroad. In all this oratory by these gentlemen who are so much interested in these aliens I have not heard a single one of them speak of their interest in the old stock of America. Is it possible that these gentlemen are so much interested in Africa, Europe, Asia, and other lands on the globe that they want to take out all the good solid stock of people in the United States, knock them in the head, to make room for all these undesirable foreigners to come into our country. [Laughter and applause.]

It appears to me it is high time for us to consider the United States of America. [Applause.] The interest of these speakers seems to be all in the down-trodden people of Europe and other lands, and they think we ought to hold out all the inducements that the United States has to these foreigners and let our own laboring people know that they are going to be kicked out to give room for some other fellows—give them the right to come over and take their places in the factory, in the mines, and in the workshops at low wages. These gentlemen, who seem to be so much interested in the foreigners, seem to forget our own people, who are descendants of parents who arrived in the United States centuries ago. [Applause.]

When old Columbus discovered the United States in 1492 he found some original Americans here, and yet I have not heard a single one of you special pleaders here for the foreigners of the Old World say a single good, kind word in behalf of the original North American Indian. I have not heard a single one of these distinguished special speakers for the aliens say a single kind word for the founders of this Government, or the men who went out and fought the battles of the Revolution to save us from being under the power of King George. [Applause.]

The CHAIRMAN (Mr. SANDERS of Indiana). The time of the gentleman from Mississippi has expired.

Mr. QUIN. Mr. Chairman, I would like to have a little more time, and I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. QUIN. I have not at any time forgotten that the United States of America was one time an asylum for the whole world. I recognize the fact that the forebears of these very men who made the Constitution, who fought for the flag of this country and preserved it, came from abroad; but, gentlemen, the time has come when the people who now come from abroad, leaving the despotic power of kings, having lived over there through their ancestors for thousands of years, the inheritors of all their weaknesses, the bearers of germs of disease, and who now seek to come into this country must be restricted. They have been brought here by the great shipowners for the purpose of being put into the mines and factories to reduce the legitimate wages of our laboring people. They have been brought here in such numbers until they have become a positive political and social menace to this Republic. Many of you know that in some great States of this Republic people who do not know anything of American ideals, who know nothing of the pulpit and the schoolhouse and what it stands for in the United States, absolutely control and dominate politics. They hold the power politically in the presidential electoral college of the United States. They can name the President of the United States.

They can name the United States Senators in several States. They name many Congressmen, and some men who are on this floor talking for these aliens all of the time are, in my judgment, advocating the potential causes for which they stand here, and they stand up for the aliens and all they believe in, whether or not it be in conflict with the legitimate efforts and ideals of the real Americans of this Republic. It is time to let

the people of the United States know that we stand for our flag and our Government and that we will not permit our country to be overrun by these aliens who have been coming here at the rate of one and a half millions per annum. [Applause.] This bill will prevent their coming in such numbers. We can not frame any law here and get the President to approve it and the Senate of the United States to stand by us which will bar them out forever or for a period of years, but we can restrict them so that our country can have time to digest this great mass of population that we have which has already become a menace to American civilization.

The patriotic societies of the United States, from one end of it to the other, composed of men and women who are unselfish, who have no ax to grind, realizing the dangers of this foreign element in the United States, are appealing to this Congress to pass this restricted immigration measure; and, Mr. JOHNSON, your name is known right now in the households of every true American in this Republic, because this worthy bill which has been brought before this House bears your name. [Applause.] The 1890 census is the thing to base the quota on in order to keep as many undesirables out of this country as is possible, and, sir, you stand by it, and do not let this crowd who are the proponents of these aliens run over you and put in the 1910 census or any other thing. We will stand by you on this bill, and you stand for the 1890 census on which to base the number of aliens who will be permitted to come into this country, and the American people will stand behind you. [Applause.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Washington.

The amendment was agreed to.

Mr. McCLINTIC. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. McCLINTIC: After the word "immigrant," in line 22, page 22, insert a new paragraph, as follows:

"(a) No adult immigrant shall be admitted to the United States until a written declaration is executed stating that an application will be made for the purpose of becoming a naturalized citizen within a period of five years.

"(b) The Commissioner of Immigration shall require every adult immigrant to execute the proper declaration with respect to naturalization, and a complete record with respect to every adult shall be made and a copy of each declaration shall be filed in the office of the Department of Labor.

"(c) Every adult immigrant shall be required at the end of the five-year period to file with the Commissioner of Immigration a copy of the application made for the purpose of becoming a naturalized citizen of the United States, and any person failing or refusing to comply with this regulation shall be subject to be immediately deported to his or her native country under such regulations as shall be provided by the Commissioner of Immigration.

"(d) The Secretary of Labor shall have the power to render final decisions in all matters covered by this paragraph."

Mr. RAKER. Mr. Chairman, I reserve the point of order.

Mr. JOHNSON of Washington. I make the point of order that it is not germane.

Mr. McCLINTIC. Will the gentleman reserve the point of order?

Mr. JOHNSON of Washington. I will reserve it.

Mr. McCLINTIC. Mr. Chairman and gentlemen of the committee, I have prepared an amendment with the hope that the committee will see the wisdom of including the same in this bill in order that adult aliens shall be forced to become citizens of this country within a period of five years after being admitted to the same, realizing that if they do not there will be many who will avoid shouldering any responsibility looking to the protection and maintenance of our Government in the future. My amendment is as follows:

After the word "immigrant," in line 22, page 22, insert a new paragraph, as follows:

"(a) No adult immigrant shall be admitted to the United States until a written declaration is executed stating that an application will be made for the purpose of becoming a naturalized citizen within a period of five years.

"(b) The Commissioner of Immigration shall require every adult immigrant to execute the proper declaration with respect to naturalization, and a complete record with respect to every adult shall be made and a copy of each declaration shall be filed in the office of the Department of Labor.

"(c) Every adult immigrant shall be required at the end of the five-year period to file with the Commissioner of Immigration a copy of the application made for the purpose of becoming a naturalized citizen of the United States, and any person failing or refusing to comply with this regulation shall be subject to be immediately deported to his or her native country under such regulations as shall be provided by the Commissioner of Immigration.

"(d) The Secretary of Labor shall have the power to render final decisions in all matters covered by this paragraph."

Every Member of Congress within the hearing of my voice remembers full well that during the war there was a class of aliens in this country who absolutely refused to do anything toward supporting our country when it was necessary to mobilize the best brawn and brain for military duty. There were thousands of aliens who claimed their exemption because of the fact they had never become naturalized citizens; and all during the war this class of aliens, who were engaged in various profitable occupations, charged the American people the highest prices that they were ever called on to pay for the necessities and conveniences of life. A large per cent of them refused to aid the Red Cross; others were negligent when it came to purchasing Liberty bonds; in fact, this class of profiteers were nothing more than parasites sucking the lifeblood from our citizenship during the time when our people were making sacrifices in order that our armies might have the kind of support to keep up the proper morale and bring the war to an early close.

I have no patience with any foreigner who comes to this country for the purpose of making a livelihood and who is not willing to share the same kind of responsibility as that borne by the rest of the people.

This amendment, if adopted, would require every adult alien to make application for citizenship within a period of five years. This would not work a hardship on any person, but, on the other hand, would cause those who came to our fair land to have a better understanding of the economic and social conditions of our country and at the same time instill into them a higher degree of patriotism, which would in the end make them better-satisfied citizens.

The adoption of this amendment would not make it mandatory on the part of any bureau of our Government to deport any alien citizen, but, to the contrary, would leave the matter entirely to the discretion of the Commissioner of Immigration to say whether or not adult persons failing or refusing to comply with this amendment should be subject to be returned to their native country.

Therefore I hope the chairman of this great committee will not make a point of order against this amendment. I am just as strong for safeguarding the citizenship of our country against a flood of foreigners as any person can be. I would possibly go a step further than you, Mr. Chairman, in writing the provisions of this bill.

If it were not for violating our treaties with certain foreign countries I would gladly vote to put a padlock on every port of entry into the United States for a sufficient number of years or until economic conditions in this country would justify the bringing in of more people to take care of the needs of the Nation.

Mr. Chairman, regardless of whether my amendment is adopted or not, I intend to support this bill, for I realize that the time has come when our American citizens must be protected from a horde of foreigners who, if admitted indiscriminately, would surely undermine the foundation of this Government. Early in the session, I introduced a bill containing some of the very provisions that have been included in this measure, and I am especially gratified that a plan has been worked out so as to avoid the dumping of a lot of immigrants at our ports in excess of the quotas applicable to the various countries. This is one of the points that I was especially interested in, and I desire to congratulate the committee for having taken care of the situation in such a satisfactory manner.

Mr. Chairman, I can not see how any patriotic citizen could object to my amendment, which, if enacted into law, would cause every person who lives under the Stars and Stripes to be placed in the position where he would have to perform the same kind of duty as his neighbor, in case it became necessary to protect our Nation in another struggle for the rights of humanity. Therefore, in the interest of good government, in the interest of the Nation that we love, in the interest of the citizenship of our people who are entitled to every protection that can be thrown around them, I urge my colleagues to stand by me in fighting for the kind of principles that will make our homes better places to live in. [Applause.]

The CHAIRMAN. The gentleman from Washington makes the point of order that the amendment is not germane. The Chair is of the opinion that the amendment is not germane to this section. The amendment that is proposed deals with the question of naturalization which is not involved in the paragraph. The Chair sustains the point of order.

Mr. LAGUARDIA. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment by Mr. LAGUARDIA: Page 21, line 16, strike out "other than foreign contiguous territory," and insert, line 15, after the word "water" the words "or otherwise."

Mr. LAGUARDIA. Mr. Chairman, the purpose of this section is to penalize the illegal transportation of aliens, but with the exemption which you have here "other than foreign contiguous territory" you limit that penalty to steamship companies who transport by water only, and you make it possible for steamship companies knowingly to bring immigrants to any contiguous territory and you leave the doors open for the railroads to transport your aliens illegally. Now, you have an excellent provision here in penalizing these companies $1,000 each, because, do not forget, these aliens who come in illegally are generally the victims of persons who should know better and who bring them here. Now, I wish the committee would extend this penalty to all transportation companies whether railroad or steamship companies that take these aliens and bring them here unlawfully and not put all the burden on the unfortunate victims.

Mr. JOHNSON of Washington. Of course it would be highly desirable to make sure that no one can transport an alien into the United States without being subject to a penalty, but it would be hard to apply to railroad trains, the conductors could not do this, and the next section has a provision by which the United States Government itself makes a contract with those who are willing to observe our laws and conditions that the passengers going back and forth on the Great Lakes or trains into Canada are inspected.

Mr. LAGUARDIA. In the next section you have no penalties.

Mr. JOHNSON of Washington. The penalty is this. If they do not do that they lose the privilege by the fact that the trains will be held up and a complete inspection made.

Mr. LAGUARDIA. But if they knowingly transport these aliens and bring them in I should say that you ought to impose a penalty of $1,000 on the railroad company as well as on the steamship company.

Mr. JOHNSON of Washington. As a matter of fact we have had little or no trouble with the transportation lines that have an agreement with the United States Government. The entry on the northern border is mainly by water transportation and the public highways, and on the southern border it is by the railroads.

Mr. LAGUARDIA. Surely the gentleman must know that these people are brought here from Canada by the steamship companies.

Mr. JOHNSON of Washington. Some may come across the border in that way, of course.

Mr. RAKER. Does the gentleman realize that in New Hampshire and Vermont there are 25 open public highways, unguarded now, over which people can come from Canada simply because we have not sufficient money to employ a force sufficient to guard them?

Mr. LAGUARDIA. They should be guarded, and the railroad companies should be held responsible.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

ENTRY FROM FOREIGN CONTIGUOUS TERRITORY

SEC. 16. The commissioner general, with the approval of the Secretary, shall have power to enter into contracts with transportation lines for the entry and inspection of aliens coming to the United States from or through foreign contiguous territory. In prescribing rules and regulations and making contracts for the entry and inspection of aliens applying for admission from or through foreign contiguous territory due care shall be exercised to avoid any discriminatory action in favor of transportation companies transporting to such territory aliens destined to the United States, and all such transportation companies shall be required, as a condition precedent to the inspection or examination under such rules and contracts at the ports of such contiguous territory of aliens brought thereto by them, to submit to and comply with all the requirements of this act which would apply were they bringing such aliens directly to ports of the United States. After this section takes effect no alien applying for admission from foreign contiguous territory (except an alien previously lawfully admitted to the United States who is returning from a temporary visit to such territory) shall be permitted to enter the United States unless upon proving that he was brought to such territory by a transportation company which had submitted to and complied with all the requirements of this act, or that he entered or has resided in such territory more than two years prior to the time of his application for admission to the United States.

Mr. LINTHICUM. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Maryland offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. LINTHICUM: Page 23, line 23, after the word "than," strike out "two" and insert "three."

Mr. LINTHICUM. Mr. Chairman, it is a well-known fact that many aliens go to Canada with the idea of getting into the United States from that country. I think we ought to throw every safeguard around it possible. We ought to let them know in advance that they must remain in Canada for several years. It seems to me that three years is little enough. I feel that if we want to restrict immigration and carry this law into effect, we ought to throw every safeguard around it, both as to Canada and Mexico. Many Members receive applications for assistance from men who have gone to Canada and then they want you to help them come into the United States. If one was able to tell them that they must stay in Canada for some years, they would come direct to the United States.

Mr. JOHNSON of Washington. The provisions as to 10 years and 2 years seem to be confusing, but they really are not. Ten years are provided in the bill with reference to aliens. That is to say, if a man comes on a tramp steamer by way of Canada he must be in Canada for 10 years before he gets to the United States. But here is another kind. They come in on regular steamers at Halifax, and the United States places a commissioner there. The prospective immigrant is detained on his way in Canada for two years, even if he should be a quota immigrant, or if he be properly coming in any other way. If he does not come properly, he must have been there two years.

Mr. LINTHICUM. I do not see how we will ever keep the quota in shape if we allow people to stop off in Canada two years and then come into the United States on their original certificate.

Mr. JOHNSON of Washington. The certificates that we have provided in the bill will be good for two months only. In the report we have undertaken to explain that carefully; why it is 2 years in one case and 10 years in another.

Mr. LINTHICUM. Does the gentleman think this provides sufficient safeguards in the way I have suggested?

Mr. JOHNSON of Washington. Yes. What we want for the protection of the United States is the border patrol.

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

Mr. LINTHICUM. Mr. Chairman, I ask unanimous consent to proceed for three minutes more.

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

There was no objection.

Mr. LINTHICUM. With the explanation of the gentleman, that they have to remain in Canada for 10 years, that is a different proposition; but it does seem to me that we ought not to legislate in the interest of British shipowners bringing people to Canada who desire to reach the United States. We have our own shipping interests, bringing people by ocean transportation across; and if we allow these people to go to Canada for two years and then come in on a certificate, many will come that way. I think if they are going to stay in Canada we should reduce his allowance in Canada to one year instead of two years. I therefore ask unanimous consent to modify my amendment.

The CHAIRMAN. The gentleman from Maryland asks unanimous consent to modify his amendment. The Clerk will report the gentleman's amendment as modified.

Mr. LINTHICUM. I am in favor of this immigration bill, because I believe if there is any one question which seriously confronts the American people more than another it is the question of immigration. There has been much said against the restriction, but it narrows itself down to the question whether we desire the protection of those now living in America or to favor those living in Europe. If immigration continues as it did prior to the war, certainly the large cities would soon become more European than American. Why should we bring Europe to America? If any of our people prefer to live as Europeans, it would be better for them to go to Europe and live rather than jeopardize our Americanism and, through competition, destroy our prosperity by bringing Europe to America.

It has been said that this bill is discriminatory in that under the census of 1890 it will favor certain nations above others. Certainly it is not discriminatory in respect to those who are now living in our country. Fathers and mothers over 55 years of age, husbands and wives of citizens of the United States, as well as their unmarried children under 18 years of age, will be admitted regardless of the quota. Why should any of our people, therefore, complain if we are admitting those who are near and dear to them and at the same time are protecting them from increased competition of cheap labor from abroad?

The necessity for immigration legislation can not be denied by anyone. The present temporary laws must certainly be followed by a permanent act which will remove this subject from controversy. There are about 58,000,000 native whites of native parentage; about 37,000,000 of foreign born or of foreign-born or mixed parentage; about 10,000,000 colored people; of the 37,000,000 there are 14,000,000 foreign born, and of the 14,000,000 foreign born less than half are American citizens, and 1,500,000 of the foreign-born population can not speak English. We can readily see, therefore, that America has admitted to its fullest capacity and more than she can assimilate.

The census of 1920 shows our 105,000,000 inhabitants to be composed as follows:

Foreign-born white	13,712,754
Foreign parentage	15,694,539
Mixed parentage, one parent born abroad	6,991,665
Indians, Chinese, Japanese, etc	426,574
Total foreign extraction or mixed parentage	36,825,532
Negroes	10,463,131
Total foreign extraction and negroes	47,288,663
Native white parentage	58,421,957
Total population	105,710,620

The most important feature of this bill is the reduction of the quota from 3 per cent to 2 per cent plus 100; that is to say, that every nation shall have 100 allowance and in addition thereto 2 per cent, based upon the census of 1890 instead of as now—3 per cent on the census of 1910. This is admittedly for the purpose of giving to the northern and western nations of Europe a larger percentage of immigration than to the southern and southeastern sections of Europe. It is done because it is believed that those people, being of Nordic origin, are more easily assimilated with the peoples of America and can easier grasp our system of government, having lived under governments largely based upon the same fundamental principles and doctrines as are those of America.

The Committee on Immigration has well said:

> Since it is an axiom of political science that a government not imposed by external force is the visible expression of the ideals, standards, and social viewpoint of the people over which it rules, it is obvious that a change in the character or composition of the population must inevitably result in the evolution of a form of government consonant with the base upon which it rests. If, therefore, the principle of individual liberty, guarded by a constitutional government created on this continent nearly a century and a half ago, is to endure, the basic strain of our population must be maintained and our economic standards preserved.
>
> With full recognition of the material progress which we owe to the races from southern and eastern Europe, we are conscious that the continued arrival of great numbers tends to upset our balance of population, to depress our standard of living, and to unduly charge our institutions for the care of the socially inadequate.

Notwithstanding the position taken by the Immigration Committee, I deem it unwise to discriminate between the nations whose people are to be admitted. I should be in favor of 1½ per cent on the basis of 1910 census, which would decrease the number of quota immigrants admitted to one-half of the present law or 178,900, and at the same time satisfy the vast number of persons who have come to live among us. [Applause.]

Then there is the abolition of the gentlemen's agreement with Japan, which has certainly not worked well, because while both nations agreed that immigration of Japanese to America was not in the best interests of either nation, yet the fact remains that the United States has more Japanese population than any other English-speaking nation in the world. Other nations have prohibited Japanese immigration, and certainly America has the same right.

It is a recognized fact that they can not be assimilated with our people, and their increase in numbers would prove both irritating and inexpedient.

Some may say it is un-Christian and unfair, but we may just as well recognize the fact that there is a certain racial cleavage between nations that can not be denied nor explained. Whenever that fact is ignored and oriental peoples in large numbers are established among the white races the result has been very unsatisfactory and racial prejudice has developed.

Let the relations of the Americans with the Japanese—as also all other oriental races—be friendly. We welcome their travelers and their students. We wish to learn from them and they from us, but for citizenship or permanent residents I am opposed.

Some persons have opposed restriction of immigration because they say we need additional labor in the country. While I admit we need the labor, yet it is a fact that the immigrants we have been receiving confine themselves almost entirely to the cities and certainly do not join in performing the labor which is most desirous. There are advocates of immigration who say that we should receive them and allocate them to the various sections of the country where farm labor is needed, and yet it is shown that of the 800,000 immigrants coming to America in 1921 only 2 per cent of them were farmers and 3 per cent farm laborers, so that it will be seen that, according to the present census, there is very little addition to the laborers of the country, both on the farm and in lines of industrial pursuit. America has erected a tariff wall, said to be for protection against cheap labor and cheap living. Why, then, bring cheap labor and cheap living to America to compete with our people?

If the present bill becomes a law, no relative of any American within the class mentioned will be excluded, and yet we will reduce immigration some 200,000 below the present number admitted. The following table will afford information as to the number admissible from various nations, in addition to which are those admitted as relatives of Americans:

Number admissible from various nations, in addition to which are those admitted as relatives of Americans

Nationality	Present law	House bill—2 per cent of 1890 with minimum of 100	Senate committee recommendation—2 per cent of 1910 with minimum of 100	National origins method—1920 census	2 per cent on average of 1890, 1900, 1910, and 1920
Albania	288	104	192	36	182
Armenia	230	117	152	101	232
Austria	7,342	1,090	4,894	3,685	4,871
Belgium	1,563	609	1,042	519	964
Bulgaria	302	100	202	65	203
Czechoslovakia	14,357	1,973	9,572	2,639	6,467
Danzig	301	323	200	98	311
Denmark	5,619	2,882	3,746	2,183	3,467
Esthonia	1,348	202	898	442	755
Finland	3,921	245	2,614	995	1,859
Fiume	71	110	100	36	146
France	5,729	3,978	3,820	5,526	3,702
Germany	67,607	45,229	45,072	44,035	39,297
Great Britain and Ireland	77,342	[1] 62,658	51,562	182,221	[1] 63,517
Greece	3,063	135	2,042	1,072	1,540
Hungary	5,747	588	3,832	2,518	3,449
Iceland	75	136	100	24	145
Italy	42,057	4,689	28,038	11,755	18,989
Latvia	1,540	217	1,026	506	849
Lithuania	2,622	402	1,752	888	1,427
Luxemburg	97	158	100	153	208
Netherlands	3,602	1,737	2,404	5,339	2,345
Norway	12,205	6,553	8,134	4,866	7,267
Poland	30,979	8,972	20,652	9,019	17,225
Portugal	2,465	574	1,644	550	1,237
Rumania	7,419	731	4,946	773	2,361
Russia	24,405	1,892	16,270	8,004	12,005
Spain	912	224	608	282	624
Sweden	20,042	9,661	13,362	7,413	11,886
Switzerland	3,752	2,181	2,502	1,562	2,418
Yugoslavia	6,426	835	4,284	1,203	2,555
Other Europe	86	----------	100	66	----------
Palestine	57	101	100	20	127
Syria	882	112	588	324	527
Turkey	2,654	123	1,770	229	763
Other Asia	92	----------	100	44	----------
Africa	104	----------	100	39	----------
Egypt	18	106	100	7	110
Australia	279	220	196	96	209
New Zealand	80	167	100	40	163
Atlantic Islands	121	----------	100	267	----------
Japan	([2])	([2])	1,443	360	([2])
Total	357,801	[3] 161,184	240,459	300,000	[3] 207,748

[1] This figure of 62,658 is the combined total for Great Britain, North Ireland, and the Irish Free State.

[2] No quota.

[3] Including quotas for San Marino, Andorra, Liechtenstein, Monaco, Hejaz, Persia, Abyssinia, Morocco, and Union of South Africa.

There is another feature of the bill which I believe we can all agree is of great benefit, that is the selective feature, which

gives the consul abroad power to decide as to whether an applicant should be admitted to the United States. Great distress has often been brought about by reason of immigrants being allowed to come to the States and then found not admissible; many have been compelled to return, thereby causing great hardship, as the home in Europe had been broken up, and financial loss, in many cases the expenditure of all the immigrant possessed.

I wish to see America continue as she is to-day—the greatest nation in all the world. I wish to see the dominant character and composition of her population continue as it is; that life, liberty, and the pursuit of happiness shall be abundantly protected and guarded under the Constitution prescribed by the fathers of our country; that every American shall be imbued with the doctrines and principles of Americanism. We are the greatest democracy that the world has ever produced, and if we would keep so, we must assimilate those who come to our shores, and by precept and example inspire them with the ideals and aspirations for which we stand. [Applause.]

The Clerk read as follows:

Modified amendment offered by Mr. LINTHICUM: Page 23, line 23, after the word "than," strike out "two" and insert "one."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Maryland, as modified.

The question was taken, and the modified amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

UNUSED IMMIGRATION CERTIFICATES

SEC. 17. An immigration certificate in addition to the number provided in section 10 may not be issued to a quota immigrant of any nationality even though a quota immigrant of such nationality having an immigration certificate is excluded from admission to the United States under the immigration laws and deported, or does not apply for admission to the United States before the expiration of the validity of the certificate; or even though an alien of such nationality having an immigration certificate issued to him as a quota immigrant is found not to be a quota immigrant.

Mr. DICKSTEIN. 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. DICKSTEIN: Page 24, line 3, after the word "may," strike out the words "not be issued" and insert "may be reissued."

Mr. DICKSTEIN. Mr. Chairman and members of the committee, it seems to me that we are applying a bad policy in bookkeeping in the issuance of certificates of arrival in the United States. Under the provisions of section 17, which you will find on page 24, it is provided that no certificate may be issued to any quota immigrant, no matter whether the certificate has been used up or not. In other words, for example, if Russia or Poland is entitled to 1,000 certificates a month, and 1,000 certificates were issued, and upon entrance at the port of arrival it was found that 15 or 20 or 50 or 100 out of the 1,000 certificates allotted under your quota law are turned back by deportation, you say under the provision of this law that the consul has no right to reissue any certificates to take the place of those canceled by reason of deportation during the fiscal year from the quota.

Now, it might be more profitable to this country if we would allow the admission of them by reissuing the certificates and letting them come to this country. That does not increase the quota; it does not destroy the standards of your bill, but it simply means the substitution of one for another when one is returned by reason of some ailment or defect designated by our medical officers at the port of entry, and the same certificate which is canceled is reissued within the same number and within the same quota to some one that the consul might find as being fitted to come in under our immigration laws.

Gentlemen, I think there will be no harm done if the consul has a right to reissue any certificates—I mean those which have been canceled by reason of deportation—because it will not affect the quota in the slightest degree and it will not affect the mentality of those who seek admission to the United States. They will come under the same rule and regulation with regard to inspection and examination.

The CHAIRMAN. The time of the gentleman has expired.

Mr. RAKER. Mr. Chairman, in opposition to the amendment, just one word. The purpose and object of this provision is that we fix the number that can come in within the quota. If a man gets a number and gets a certificate, the purpose of the committee and of this law is that he can not peddle that around in the country in which he lives and say, "Here, I have succeeded in getting a certificate; how much will you boys give me for it? The highest bidder come forward."

Mr. SABATH. Will the gentleman yield?

Mr. RAKER. Not now. The testimony before the committee shows that passports were sold for high prices. In Constantinople men did nothing else but sell passports, and the purpose now is that when a certificate has been issued it shall be used or the certificate is forever canceled. This will instigate and this will propagate more perjury and fraud in the sale of certificates than anything that could possibly be done. The committee believes in writing some teeth in this business, so that these men can not barter and sell these documents.

Mr. LITTLE. Will the gentleman yield?

Mr. RAKER. Yes.

Mr. LITTLE. Did the committee learn why they were so valuable in Constantinople, for example?

Mr. RAKER. Yes.

Mr. LITTLE. Why?

Mr. RAKER. Because they wanted to get to the United States.

Mr. LITTLE. They wanted to live in peace in Turkey under the American flag.

Mr. RAKER. That is not all.

Mr. LITTLE. But that is the biggest thing.

Mr. RAKER. They want to get rid of that country, and they do not care what they have when they come here. They have been trying to destroy other governments, and they got into Constantinople and other countries under those protectorates, and now they want to get to the United States in order to tear down what has been built up here, and they will sell and barter those certificates. We should so provide that when a man gets a certificate he shall use it himself and that it never can be used by anybody else.

Mr. SABATH. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Illinois is recognized.

Mr. SABATH. Mr. Chairman, my colleague from the coast becomes unduly excited at any and every proposition. He forgets that he himself aided and assisted in inserting in this bill a provision providing that each certificate issued to an applicant or to an immigrant shall have that person's photograph attached to it; in fact, every immigrant must furnish two photographs, which are attached to the certificate or to the visé. Now, in view of that fact surely it will be impossible for any such man to dispose of these certificates to every Tom, Dick, and Harry, as the gentleman from California would want you to believe.

Mr. RAKER. Will the gentleman yield?

Mr. SABATH. I will yield as much to the gentleman from California as he yielded to me. Now, if it is true that there have been these sales of certificates and there has been so much fraud, then we should in every way guard against it, but when an effort has been made to guard against fraud and protect against fraud being perpetrated I have not seen the gentleman aid or assist in adopting any such amendment.

Now, there is nothing to this talk about wholesale fraud. Here and there, perhaps, some people, in their anxiety to reach America, may have gone to the extreme and perhaps they would be willing to bribe some person in order to secure such a certificate, but I honestly believe that all in all in the last few years there have not been more than 20 or 30 such cases, and I know there is no great danger that a large number of those would barter or sell these certificates.

Mr. LINTHICUM. Will the gentleman yield?

Mr. SABATH. Yes.

Mr. LINTHICUM. Suppose a man having one of these certificates should contract some disease while abroad or become unfit to come into the United States, what protection would we have against that?

Mr. SABATH. The certificates do not give them any right to enter the United States. After a man succeeds in passing the stringent investigation which is made on the other side——

The CHAIRMAN. The time of the gentleman has expired.

Mr. SABATH. I ask unanimous consent to proceed for two minutes more.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to proceed for two additional minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. SABATH. When such an immigrant receives a certificate, after being thoroughly investigated and examined under this law, that does not give him the right to come right in; he is then subjected to medical examination on this side in the

port of entry, and he must submit to an examination here. So it will be absolutely impossible for him to come in if he can not pass the examination. He must have that certificate, and to that certificate is attached his photograph so that there can not be any fraud, because the inspectors could easily ascertain whether a man was a proper person, and if he is not or if he is not the same man, of course, he will not be admitted; he will be deported immediately.

Mr. LINTHICUM. Could we deport him if he held this certificate?

Mr. SABATH. He would not be admitted.

Mr. LINTHICUM. Not if he held a certificate?

Mr. SABATH. If he has a certificate and if he is not the same man or if he is suffering with any disease he will not be admitted; he will be sent back. That is the difference between not being admitted and being deported.

Mr. KINDRED. Will the gentleman yield?

Mr. SABATH. Yes.

Mr. KINDRED. And the medical examination, if unfavorable, would nullify the certificate?

Mr. SABATH. Yes; of course. He must pass the medical examination.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. LITTLE. Mr. Chairman, I move to strike out the last 10 words. Referring to the remarks of the gentleman from California [Mr. RAKER], he is probably right to some extent, but there is still another reason for the sale of passports. For many centuries the foreign Christians in the Turkish Empire could not be tried by a Turkish court. They were tried by their own diplomatic officers or consuls in all the ports of the Turkish Empire and in all such countries. That was a perfect safeguard. If you were a Turk, a Syrian, an Armenian, an Arab, or an Egyptian, if you came to America and became naturalized and got a passport and went home and committed some offense against the police and they came to arrest you, all you had to do was to run up the American flag and they had to let you alone. For some time I had the honor of representing this country in Egypt, and one of my most numerous duties was to take care of American citizens that were being "hounded by the police" and would run up the American flag. A passport is very valuable for that reason.

Mr. RAKER. Will the gentleman yield?

Mr. LITTLE. Yes.

Mr. RAKER. A man who came over here and then went back to that country, you gave him sanctuary, did you not?

Mr. LITTLE. There was no option in the matter. You sent him back with a passport.

Mr. RAKER. I was really somewhat facetious about that. They got sanctuary when they really were not entitled to it, did they not?

Mr. LITTLE. Would you like to have me tell you how I really handled that?

Mr. RAKER. Yes.

Mr. LITTLE. I will give you a concrete case. Every two years they had to turn up and ask me to reissue their passports or O. K. them. I found there was some trouble of that kind, and there came a specially notorious instance.

A man in 1866 went to New York and was there for about six months, as near as I could figure, and came back with a passport. He went to Rabat, Morocco, where he was born, and then he went to Egypt and lived there afterwards. I found the decisions were that if a man returned to his own country for 20 years and evidently was going to stay there, I did not have to O. K. the passport. He forfeited the right. I did not find any law that covered my case, so I made a new one. I held that if such a man settled for 20 years or more in still another country, he forfeited his citizenship. This man had been married. He, unfortunately, married a woman who kept a scarlet house very notorious in Alexandria. As soon as she was married and was the wife of an American citizen, she put up the American flag and for many years defied the police. For years my predecessors opposed his claims. When I got there the passport was up for another O. K., and in looking into it——

Mr. RAKER. Will the gentleman yield right there?

Mr. LITTLE. No; I am afraid my time will run out, and I do not want to be left hung up with this. I investigated that matter and I finally decided that if a man went back to a foreign country and stayed 20 years and could not speak the American language and was only in this country six months, that he did not show that he ever intended to be an American citizen, and I canceled his permit to be an American citizen. [Applause.]

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

Mr. LITTLE. Mr. Chairman, I ask unanimous consent to proceed for two minutes in order to finish this statement.

The CHAIRMAN. Is there objection to the request of the gentleman from Kansas? [After a pause.] The Chair hears none.

Mr. LITTLE. Now, gentlemen, you are dealing with a great gift and a great trust—American citizenship. It is a bigger thing in the world outside than you think it is. This man stood there finally, and I passed sentence on him because it was a judicial office. I stood up and recounted his conduct and said, "You are no longer an American citizen." He staggered. They caught the old man and sat him down. I never want to ever again tell any man that I strip him of his American citizenship. It is worth more than life to a good many of them in foreign lands.

In the growth of this country we have raised the standards of living for many millions of people who have come over here. We have gradually reached the limit of our powers in that respect for the present. The American people have reached the conclusion that they must begin to take care of themselves and their children and preserve the nationality which our fathers handed down. We have reached the point where we must administer the inexorable tyranny of justice. Our first duty is to our own country, and this bill proposes to maintain these high standards here forever, and this will be a great example to the rest of the world. We must do this and this great bill will accomplish it, but in doing so we must be as kindly and as charitable as is possible with prudence. There should be no vindictive spirit at any point and the excitement of debate should endeavor to avoid any such feeling. This is a very great Nation and we can afford to be gentle. I have been sorry to see one native-born American citizen who fought gallantly for this country in Europe being criticized and found fault with because he showed a somewhat natural sympathetic interest in the citizens who came here, as his father did, from a foreign land. During the war this country sent him to his father's homeland and his ability to speak that tongue made it possible for him to be, as he was, a very powerful force in that country to preserve their morale in the great struggle of the war as an efficient ally of this American Republic. Justice to the American people demands the enforcement of the rules for their high standards, but this proposition is so universally the will of the Nation that its enunciation should reflect their will calmly and with dignity comporting with the vastness of the Republic. I am very glad to vote to preserve the nationality which my forefathers fought to establish. More than two centuries have elapsed since they brought my family name here and 132 years have gone by since the last ancestor of mine to leave Europe came from Wales to this country. With the exception of that one lady, every drop of blood in my veins is from my ancestors who came to America before the Revolution. I should be forgetful of my people and what they did in the great Revolution and even before if I did not do my duty by assisting in this great legal preservation of America for Americans and their children; but let us do this bearing in mind the great words of Abraham Lincoln after the Civil War when he said, "With malice toward none, with charity for all."

Mr. DICKSTEIN. Mr. Chairman, I move to strike out the last three words.

The CHAIRMAN. Has the gentleman spoken once on this amendment?

Mr. DICKSTEIN. I have.

The CHAIRMAN. The gentleman is not entitled to extend his time by offering a pro forma amendment. The question is on the amendment offered by the gentleman from New York [Mr. DICKSTEIN].

The question was taken, and the amendment was rejected.

Mr. NELSON of Wisconsin. Mr. Chairman, I want to prefer a unanimous-consent request. Is the next section section 18?

The CHAIRMAN. It is.

Mr. NELSON of Wisconsin. Mr. Chairman, I ask unanimous consent that sections 18, 19, and 20 be passed over until to-morrow.

The CHAIRMAN. The gentleman from Wisconsin asks unanimous consent that sections 18, 19, and 20 be passed over until to-morrow. Is there objection?

Mr. JOHNSON of Washington. Mr. Chairman, reserving the right to object, have we the right in Committee of the Whole to make such an agreement? The other agreement was made in the House proper.

The CHAIRMAN. The Chair will state that the Committee of the Whole has the right to pass temporarily any sections that they may desire by unanimous consent, so long as it does not interfere with an order of the House.

Mr. JOHNSON of Washington. I would like very much to get along with these provisions.

Mr. NELSON of Wisconsin. Mr. Chairman, a number of gentlemen who are very much interested in these sections did not know that this agreement was going to be entered into and I am asking this in order to give them an opportunity to be present.

Mr. CHINDBLOM. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. CHINDBLOM. The House having fixed an order of procedure specifically, and having defined that certain sections shall not be considered this evening by the Committee of the Whole, does it not follow that the inclusion of certain sections to be omitted excludes the omission of other sections.

The CHAIRMAN. The Chair does not think so. The House directed that the committee should omit certain sections.

The Chair is of the opinion that the committee can not by unanimous consent modify the question so far as it relates to the omission of those sections. The Chair, however, is of the opinion that the Committee of the Whole may by unanimous consent proceed with the remaining sections as it may desire.

Mr. FREE. I object.

The CHAIRMAN. The gentleman from California objects.

The Clerk read as follows:

ALIEN SEAMEN

SEC. 18. No alien seaman excluded from admission into the United States under the immigration laws and employed on board any vessel arriving in the United States from any place outside thereof shall be permitted to land in the United States, except temporarily for medical treatment, or pursuant to such regulations as the Secretary may prescribe for the ultimate departure, removal, or deportation of such alien from the United States.

Mr. SCHNEIDER. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 24, line 13, strike out all of section 18 and insert the following:

"SEC. 18. (a) Every alien employed on board of any vessel arriving in the United States from any place outside thereof shall be examined by an immigrant inspector to determine whether or not (1) he is a bona fide seaman, and (2) he is an alien of the class described in subdivision (f), section 19 hereof; and by a surgeon of the United States Public Health Service to determine (3) whether or not he is suffering with any of the disabilities or diseases specified in section 35 of the immigration act of 1917.

"(b) If it is found that such alien is not a bona fide seaman he shall be regarded as an immigrant, and the various provisions of this act and of the immigration laws applicable to immigrants shall be enforced in his case. From a decision holding such alien not to be a bona fide seaman the alien shall be entitled to appeal to the Secretary; and on the question of admissibility as an immigrant he shall be entitled to appeal to the Secretary except where exclusion is based upon grounds nonappealable under the immigration laws. If found inadmissible such alien shall be deported, as a passenger, on a vessel other than that by which brought, at the expense of the vessel by which brought, and the vessel by which brought shall not be granted clearance until such expenses are paid or their payment satisfactorily guaranteed.

"(c) If it is found that such alien is subject to exclusion under subdivision (f) of section 19 hereof, the inspector shall order the master to hold such alien on board pending the receipt of further instructions.

"(d) If it is found that, although a bona fide seaman, such alien is afflicted with any of the disabilities or diseases specified in section 35 of the immigration act of 1917, disposition shall be made of his case in accordance with the provisions of the act approved December, 1920, entitled 'An act to provide for the treatment in hospital of diseased alien seamen.'

Mr. JOHNSON of Washington. Mr. Chairman, I reserve a point of order on the amendment.

Mr. SCHNEIDER. Mr. Chairman, in dealing with the immigration question we have touched upon one of the most important problems affecting the Nation. Congress has often hesitated to legislate on this very perplexing question. But why should Congress ever need to hesitate to take up a problem that directly concerns the American people? Surely the immigration question is as much an American problem as any other matter that has as yet received the deliberation of this body, and no one can fairly challenge our right to deal with it and in such manner as we may choose. We are legislating for our people, and whatever our immigration policy may mean to any foreign power our prime concern must at all times be the interest and welfare of the American people.

One thing is certain, and that is that America will, for the present at least, continue its policy of restriction. I am not going to indulge in any lengthy discussion of our general immigration policy. We now have a definite proposition before us in the form of the Johnson bill. I shall not even attempt to discuss all the merits or demerits of the provisions of this bill.

We may differ as to what the quota ought to be, but whatever our exclusion policy may be, once an immigration bill is passed and becomes the law of the land, I am sure that we are all agreed that the policy therein expressed should be able to be enforced to its full intent and purpose. Thus any bill that proposes to restrict the influx of immigrants must make ample provision to see that that policy will be carried out, and only those permitted under the law shall be admitted, and that no gaps be left open through which thousands of aliens will be able to seep into this country.

The proposed Johnson immigration bill, as it is now constructed, is open to grave dangers that may defeat the entire policy of restriction. I make special reference to those provisions dealing with the question of alien seamen landing in American ports.

Under the guise of seamen, thousands of aliens have landed in American ports and have helped to swell the ranks of our foreign population. It is mostly the worst type of undesirables who have used this means left open to them by our immigration laws. Smuggling immigrants into this country in this way is becoming a very lucrative business for many shipowners.

Perhaps you will be able to appreciate the importance of this question when you consider the fact that in 1922, 973,804 alien seamen landed in American ports. In 1923, the number of alien seamen that landed here increased to 1,018,000. If but 10 per cent of these alien seamen landing in American ports annually came into this country in violation of the law, the ranks of our foreign population would be increased by 101,800 of the most undesirable class of people, while under the entire quota, as proposed by the Johnson bill, only 169,083 men and women of the best class of our European immigrants would be permitted to enter.

Think, gentlemen, what this means to our immigration policy—1,018,000 alien seamen landing in American ports annually and unquestionably thousands upon thousands of these, by the aid of unscrupulous steamship companies, are making their way into this country in this way. This is a serious situation and must be remedied. Sections 18 and 19 of the proposed bill are but feeble attempts to solve this problem. Not only will these provisions, in my humble judgment, fail to check illegal immigration of this kind but they are pregnant with dangers to the seamen's act, which you know was designed to protect bona fide seamen. Section 18 of the proposed bill reads as follows:

No alien seaman excluded from admission into the United States under the immigration laws and employed on board any vessel arriving in the United States from any place outside thereof shall be permitted to land in the United States, except temporarily for medical treatment or pursuant to such regulations as the Secretary may prescribe for the ultimate departure, removal, or deportation of such alien from the United States.

Now, gentlemen, you will note that the very language used is negative and of no effect. It proposes to leave the question whether or not an alien seaman will be permitted to land entirely at the discretion of the Secretary. This is indeed a very indefinite and undesirable way of handling such a problem. Is it not incumbent upon Congress itself to lay down the regulations upon which such seamen may enter? Certainly the committee will not charge this body with being incompetent to handle this problem, nor that it is improper for this body to do so, and would delegate this task to the Secretary. I say, gentlemen, that we should state in positive language the conditions under which alien seamen shall be permitted to land, and I deem this absolutely essential from the standpoint of justice to the seamen and especially for the success of the American immigration policy.

Mr. Chairman, I therefore submit the following substitute in place of section 18:

(a) Every alien employed on board of any vessel arriving in the United States from any place outside thereof shall be examined by an immigrant inspector to determine whether or not (1) he is a bona fide seaman, and (2) he is an alien of the class described in subdivision (f) section 19 hereof; and by a surgeon of the United States Public Health Service to determine (3) whether or not he is suffering with any of the disabilities or diseases specified in section 35 of the immigration act of 1917.

(b) If it is found that such alien is not a bona fide seaman, he shall be regarded as an immigrant, and the various provisions of this act and of the immigration laws applicable to immigrants shall be enforced in his case. From a decision holding such alien not to be a bona fide seaman the alien shall be entitled to appeal to the Secretary; and on the question of his admissibility as an immigrant he shall be entitled to appeal to the Secretary except where exclusion is based upon grounds nonappealable under the immigration laws. If found inadmissible such alien shall be deported as a passenger on a vessel other than that by which brought at the expense of the vessel by which brought, and the vessel by which brought shall not be granted clearance until such expenses are paid or their payment satisfactorily guaranteed."

(c) If it is found that such alien is subject to exclusion under subdivision (f) of section 19 hereof, the inspector shall order the master to hold such alien on board pending the receipt of further instructions.

(d) If it is found that, although a bona fide seaman, such alien is afflicted with any of the disabilities or diseases specified in section 35 of the immigration act of 1917, disposition shall be made of his case in accordance with the provisions of the act approved December, 1920, entitled "An act to provide for the treatment in hospital of diseased alien seamen."

In discussing this substitute amendment I can only touch upon some of the salient points. The provisions of this substitute are positive, concise, and specific in language. There is no question as to the requirements laid down for the admission of seamen into American ports. It provides ample protection to our country against dangerous and loathsome contagious diseases. Furthermore, it insures justice to our alien seamen by extending to them the right to appeal to the Secretary from a decision holding them not to be bona fide seamen. Indeed, a very important provision of my substitute is found in section (b) of this amendment, which reads as follows:

If found inadmissible such alien seaman shall be deported as passenger on a vessel other than that by which brought, at the expense of the vessel by which brought—

And so forth.

Note particularly these words, "shall be deported on a vessel other than that by which brought." The significance of this provision is that it eliminates the danger of such alien seaman becoming prisoner on the boat on which he came in, thus virtually reducing him to a slave, a condition which Congress intended to remedy by the passage of the La Follette Seamen's Act.

But equally faulty and ineffective in its attempt to further solve this problem of trying to plug up the flow of undesirables who penetrate this country under the guise of seamen is section 19 of the proposed bill. I will but very briefly call your attention to some of the important differences between my substitute amendment and section 19 of the proposed bill.

I will first read section 19 as is proposed by the committee in the original bill, and then I will read my substitute for this section. Section 19 of the bill reads:

(a) Upon the arrival (after the expiration of four months after the enactment of this act) of any vessel in the United States, it shall be the duty of the owner, agent, charterer, consignee, or master thereof to deliver to the immigration officer in charge at the port of arrival, in respect of each alien seaman employed on such vessel, a landing card in triplicate, stating the position such alien holds in the ship's company, when and where he was shipped or engaged, and whether he is to be paid off and discharged at the port of arrival, and such other information as may be by regulations prescribed, and having permanently attached thereto a photograph of such alien.

(b) If the alien seaman after examination, which examination in all cases shall include a personal physical examination by the medical examiners, is found to be temporarily admissible to the United States, he shall be permitted to land during the stay of the vessel in port, or temporarily for the purpose of reshipping on board any other vessel bound to a place outside the United States, and the immigration officer shall cause a fingerprint of the alien to be placed upon each copy of the landing card and indorse upon each copy the date and place of arrival, the name of the vessel, and the time during which the landing card shall be valid. Thereupon one copy of the landing card shall be delivered to him by the immigration officer, one copy shall be transmitted forthwith to the Department of Labor under regulations prescribed under this act, and the third copy shall be retained in the immigration office at the port of arrival for such length of time as may be by regulations prescribed. It shall be unlawful for any alien seaman to remain in the United States after the expiration of the validity of his landing card.

(c) Any alien who has received a landing card under this section and who departs from the United States shall, prior to his departure, surrender such card to the master of the vessel, who shall, before the departure of the vessel, deliver such card to such individual as may be by regulations prescribed.

(d) An alien seaman who departs from the United States temporarily at frequent intervals in the pursuit of his calling may be admitted to the United States under such regulations as may be prescribed without the requirement of a landing card in respect of each entry into the United States.

(e) Landing cards shall be printed on distinctive safety paper prepared and issued under regulations prescribed under this act at the expense of the owner, agent, consignee, charterer, or master of the vessel. The Secretary of Labor, with the cooperation of the Secretary of State, shall provide a means of obtaining blank landing cards outside the United States.

(f) The owner, agent, consignee, charterer, or master of any vessel who violates any of the provisions of this section shall pay to the collector of customs for the customs district in which the port of arrival is located the sum of $1,000 for each alien in respect of whom the violation occurs; and no vessel shall be granted clearance pending the determination of the liability to the payment of such fine, or while the fine remains unpaid, except that clearance may be granted prior to the determination of such question upon the deposit of a sum sufficient to cover such fine.

My proposal reads as follows:

(a) Upon the arrival (after the expiration of four months after the enactment of this act) of any vessel in the United States it shall be the duty of the owner, agent, charterer, consignee, or master thereof to deliver to the immigration officer in charge at the port of arrival, in respect of each alien seaman employed on such vessel, a landing card in duplicate containing such seaman's name, age, nationality, personal description, and the capacity in which employed, and having permanently attached thereto a photograph of such seaman.

(b) If such alien employee is found, upon examination, not to be subject to detention or exclusion under any of the provisions of section 18 hereof he shall be permitted temporarily to land during the stay of the vessel in port or for the purpose of reshipping on board any other vessel bound to a place outside the United States, and the immigration officer shall cause a fingerprint of the alien to be placed upon each copy of the landing card. Thereupon one copy of the landing card shall be delivered to said seaman and the other copy shall be filed in the archives of the immigration office at the port of arrival and properly indexed for future reference.

(c) If such a temporarily landed alien seaman remains in the United States without reshipping foreign for a period in excess of 60 days, such circumstance shall constitute prima facie evidence of abandonment of calling and becoming an immigrant, and such alien shall thereupon be taken into custody by immigration officials and examined as though he were an immigrant applying for admission, and unless such alien shows either that he has not abandoned his calling, but is still a bona fide seaman, or that he is in all respects admissible under this act and the immigration laws, such alien shall be deported in the manner prescribed by sections 19 and 20 of the immigration act of 1917.

(d) Landing cards shall be printed on distinctive safety paper prepared and issued under regulations prescribed under this act at the expense of the owner, agent, consignee, charterer, or master of the vessel. The Secretary of Labor, with the cooperation of the Secretary of State, shall provide a means of obtaining blank landing cards outside the United States.

(e) All vessels entering ports of the United States manned with crews engaged and taken on at foreign ports shall, when departing from the United States ports, carry a crew of at least equal number, and any such vessel which fails to comply with this requirement shall be refused clearance.

(f) No vessel shall enter a port of the United States, except in distress, having on board as a member of the crew any alien who if he were applying for admission to the United States as an immigrant laborer would be subject to exclusion under the Chinese exclusion laws, or under the sixth proviso to section 3 of the immigration act of 1917 and rule 7 of the immigration rules of February 1, 1924, or under the clause of section 3 of the immigration act of 1917, excluding by territorial limitations certain natives of Asia and of islands adjacent thereto; except that any ship of the merchant marine of any one of the countries, islands, dependencies, or colonies immigrant laborers coming from which are excluded by the said provisions of law shall be permitted to enter ports of the United States having on board in their crews aliens of said description who are natives of the particular country, island, dependency, or colony to the merchant marine of which such vessel belongs. Any alien seaman brought into a port of the United States in violation of this provision shall be deported either to the place of shipment or to the country of his

nativity as a passenger on a vessel other than that on which brought at the expense of the vessel by which brought, and the vessel by which brought shall not be granted clearance until such expenses are paid or their payment satisfactorily guaranteed.

(g) The owner, agent, consignee, charterer, or master of the vessel who violates any of the provisions of this section shall pay to the collector of customs for the customs district in which the port of arrival is located the sum of $1,000 for each alien in respect of whom the violation occurs; and no vessel shall be granted clearance pending the determination of the liability to the payment of such fine or while the fine remains unpaid, except that clearance may be granted prior to the determination of such question upon the deposit of a sum sufficient to cover such fine.

In comparing my substitute with the section as provided in the bill, you will note that one provision of my substitute is the requirement of landing cards in duplicate only. This is a great saving in time and money over the committee's proposal for landing cards in triplicate which is in no wise essential to the efficient registration of the seamen landing in our ports. This is a point that needs no further elaboration. Then, too, in the committee's proposal each time the alien seaman is to reship from this country he is to give up his landing card. This will naturally necessitate reissuing of new cards upon his second arrival.

If section (d) of their proposal providing that—

An alien seaman who departs from the United States temporarily at frequent intervals in the pursuit of his calling may be admitted to the United States, under such regulations as may be prescribed, without the requirement of a landing card in respect of each entry into the United States—

were actually put in operation this would completely vitiate the entire purpose of the landing card provision and would afford an opportunity for much abuse.

In my proposal I permit the seaman to retain his card. Now, there is absolutely no danger of transferring his card to a stranger for each card is so descriptive of the individual to whom it is issued and which also bears attached to it a photograph and fingerprint of that owner, that it is entirely out of the question for it to be transferable. That my provision in this respect is another time and money saver is apparent.

Another important change in my proposal is that Congress will specify definitely what shall be the time limit during which the seaman may remain in this country after his arrival. If the individual who has landed as an alien seaman exceeds his 60-day stay, which is the legal period suggested, then the violation of that 60-day limit will be prima facie evidence against him, and the burden will be upon him to prove that he is still a bona fide seaman or be subjected to immediate deportation and the usual penalty will also be levied against the boat which brought him here.

The Johnson bill, in dealing with this point, leaves the matter of determining the length of stay for the seamen landing in our ports entirely in the hands of the immigration officials. By doing this, it is placing the seamen at the mercy of the individual immigration officers.

That is a dangerous policy. It is fraught with autocratic power and opportunity for abuse. My proposal, as I have shown, deals with this in a fair, efficient, and practical manner and merits your approval.

The substitute also amply provides against the constant abuse under the present law, of our absolute exclusion policy of all Asiatics. Smuggling Chinese coolies in this country will be extremely difficult, if not almost impossible, under my provision on that question, by permitting only such alien seamen of the far eastern countries to land in American ports who sail under the flag of their mother country, which will make it very unlikely that alien seamen landing from such boats will desert their ship.

Last, but not least, my provision that all vessels entering our ports must, when departing from the United States, take back as large a crew as they brought, is the final and absolute guaranty against any possible danger to our immigration policy through channels which heretofore were comparatively easy means for thousands of undesirables to penetrate this country in defiance of the law.

I submit to you, gentlemen, that if we wish to have an effective immigration law, we can not close the front door and leave the back door wide open. My substitute amendments, if adopted, will bar this avenue of entry by the back door on the part of would-be seamen that are being smuggled into this country by the thousands and will also safeguard the rights secured to the seamen by the La Follette Seamen's Act.

Mr. JOHNSON of Washington. Mr. Chairman, I withdraw the point of order.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

SEC. 19. (a) Upon the arrival—after the expiration of four months after the enactment of this act—of any vessel in the United States, it shall be the duty of the owner, agent, charterer, consignee, or master thereof to deliver to the immigration officer in charge at the port of arrival, in respect of each alien seaman employed on such vessel, a landing card in triplicate, stating the position such alien holds in the ship's company, when and where he was shipped or engaged, and whether he is to be paid off and discharged at the port of arrival, and such other information as may be by regulations prescribed, and having permanently attached thereto a photograph of such alien.

(b) If the alien seaman after examination—which examination in all cases shall include a personal physical examination by the medical examiners—is found to be temporarily admissible to the United States, he shall be permitted to land during the stay of the vessel in port, or temporarily for the purpose of reshipping on board any other vessel bound to a place outside the United States, and the immigration officer shall cause a fingerprint of the alien to be placed upon each copy of the landing card, and indorse upon each copy the date and place of arrival, the name of the vessel, and the time during which the landing card shall be valid. Thereupon one copy of the landing card shall be delivered to him by the immigration officer, one copy shall be transmitted forthwith to the Department of Labor under regulations prescribed under this act, and the third copy shall be retained in the immigration office at the port of arrival for such length of time as may be by regulations prescribed. It shall be unlawful for any alien seaman to remain in the United States after the expiration of the validity of his landing card.

(c) Any alien who has received a landing card under this section and who departs from the United States shall, prior to his departure, surrender such card to the master of the vessel, who shall, before the departure of the vessel, deliver such card to such individual as may be by regulations prescribed.

(d) An alien seaman who departs from the United States temporarily at frequent intervals in the pursuit of his calling may be admitted to the United States, under such regulations as may be prescribed, without the requirement of a landing card in respect of each entry into the United States.

(e) Landing cards shall be printed on distinctive safety paper prepared and issued, under regulations prescribed under this act, at the expense of the owner, agent, consignee, charterer, or master of the vessel. The Secretary of Labor, with the cooperation of the Secretary of State, shall provide a means of obtaining blank landing cards outside the United States.

(f) The owner, agent, consignee, charterer, or master of any vessel who violates any of the provisions of this section shall pay to the collector of customs for the customs district in which the port of arrival is located the sum of $1,000 for each alien in respect of whom the violation occurs; and no vessel shall be granted clearance pending the determination of the liability to the payment of such fine, or while the fine remains unpaid, except that clearance may be granted prior to the determination of such question upon the deposit of a sum sufficient to cover such fine.

Mr. McLAUGHLIN of Michigan. Mr. Chairman, I move to strike out the last word. An examination of this section relating to admission of alien seamen to this country clearly shows how comprehensive the subject is and how dangerous it is or may be to permit the entry, without proper examination, of men who ought not to be admitted and who after being admitted will in all probability remain. It is difficult to frame an amendment which will meet the difficulties which I suggest. I appreciate that enactment of a law and the drafting of necessary regulations for the apprehension and return of aliens who fail to comply with the law or with conditions imposed upon them when they enter our country is indeed a difficult matter. I think anyone who has had anything to do with immigration matters knows that when an immigrant once enters the country he is rarely if ever apprehended and sent back. Enactment of a suitable law and preparation of suitable regulations will enable immigration officials to perform an important duty which they now find it difficult, if not impossible, to perform.

Immigration officials practically lose sight of them. I am not blaming them for that, because we appreciate the difficulty of keeping in touch with them. In our experience we have had occasion to inquire in regard to permission given to aliens to enter the country temporarily, and have attempted to learn what attention, if any, is given to their movements,

to their conduct, to where they are, what they are doing, whether or not they comply with the requirement that after a limited time they shall return to the country from which they came. All who have had this experience will appreciate the difficulty of following the movements of one who comes in under restriction or perhaps with a limitation set upon the time he may legally remain. My impression of this section is that it is not properly drawn, and that enactment of it into law as here presented is dangerous, although, as I say, reading it as I have, and the limited time at my disposal to prepare an amendment, I am not able now to suggest a satisfactory one. I therefore suggest more careful examination of the section before it becomes law.

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

Mr. McLAUGHLIN of Michigan. Yes.

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

Mr. McLAUGHLIN of Michigan. Mr. Chairman, I ask unanimous consent to proceed for two minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. RAKER. Three experts from the Department of Labor, the attorney of the Department of Labor, the Department of Commerce, and the expert of the committee, together with the head of the seamen's organization, spent much time upon this provision, and if they all agreed to it, surely the gentleman from Michigan would feel that we came pretty nearly covering the situation.

Mr. McLAUGHLIN of Michigan. I can not agree with the gentleman that a wise conclusion has been reached if this is the result. To my mind it emphasizes the necessity of systematic registration of aliens when they enter and while they remain in this country, so that those who are responsible for their coming, and perhaps responsible for sending them out, will know at all times where they are, and whether or not they should be permitted to remain or should be returned to the countries from which they came.

Mr. SABATH. Mr. Chairman, I rise to oppose the pro forma amendment. The gentleman from California [Mr. RAKER] has stated that three different representatives appeared before the committee and aided and assisted in drafting this provision. Notwithstanding that fact, the gentleman from Michigan [Mr. McLAUGHLIN] is not satisfied that it has been properly drafted. I desire to ask the gentleman this: The gentleman from California has stated that we complied with the recommendations of the representative of the seamen's organization. If I am not mistaken, a tentative agreement was framed that we were to offer or that the committee would offer an amendment. If it has been included, I have not as yet been able to find it. Perhaps the gentleman from California or the chairman of the committee can enlighten me as to what became of that amendment, which the gentleman from California states it was promised the representative of the seamen's union would be offered. I do not know, and that is the reason I would like to have information on that subject. Can the gentleman from Washington inform me what has been finally done with that amendment which was requested by the gentleman representing the seamen's union?

Mr. LaGUARDIA. It was just voted down.

Mr. SABATH. That was not the amendment.

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

Mr. SABATH. Yes.

Mr. SCHNEIDER. I do not know anything about the amendment to which the gentleman refers. The seamen did have an amendment that they submitted to the committee.

Mr. SABATH. Yes. That is the amendment I am asking about.

Mr. SCHNEIDER. One of the amendments was the one which I proposed. The two, of course, should have gone together. The amendment provided for taking out as many seamen as they brought in on each and every vessel coming into the ports of America.

Mr. SABATH. I do not quite remember the last amendment they asked for, and I have reason to believe they have secured assurance that it would be offered.

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

Mr. SABATH. That is splendid information that I have obtained from the Chairman. [Laughter.]

The Clerk read as follows:

SEC. 20. (a) The owner, charterer, agent, consignee, or master of any vessel arriving in the United States from any place outside thereof who fails to detain on board any alien seaman employed on such vessel until the immigration officer in charge at the port of arrival has inspected such seaman, and delivered to him a landing card (in cases where a landing card is required), or who fails to detain such seaman on board after such inspection or to deport such seaman if required by such immigration officer or the Secretary to do so, shall pay to the collector of customs of the customs district in which the port of arrival is located the sum of $1,000 for each alien seaman in respect of whom such failure occurs. No vessel shall be granted clearance pending the determination of the liability to the payment of such fine, or while the fine remains unpaid, except that clearance may be granted prior to the determination of such question upon the deposit of a sum sufficient to cover such fine.

(b) Proof that an alien seaman did not appear upon the outgoing manifest of the vessel on which he arrived in the United States from any place outside thereof, or that he was reported by the master of such vessel as a deserter, shall be prima facie evidence of a failure to detain or deport after requirement by the immigration officer or the Secretary.

(c) Section 32 of the immigration act of 1917 is repealed, but shall remain in force as to all vessels, their owners, agents, consignees, and masters, and as to all seamen, arriving in the United States prior to the enactment of this act. Sections 33 and 34 of such act are repealed, to take effect after the expiration of four months after the enactment of this act, but the provisions of such section 34 shall thereafter remain in force in the case of any alien seaman who has landed in a port of the United States before such repeal becomes effective.

Hr. HOWARD of Nebraska. Mr. Chairman, I move to strike out the last word. I do that for the purpose of gaining information from the gentleman from Illinois [Mr. SABATH]. I was listening very carefully while he was asking information just a moment ago. I did not exactly catch the tenor of the information borne to his ears, and as he is a younger man than I, I want to ask if he will not tell me the information that he received in response to his inquiry a moment ago.

Mr. SABATH. Mr. Chairman, I appreciate the compliment with respect to age. As to the information I received, if I could impart it, the gentleman would not have a great deal of light. The chairman of the committee did not answer the inquiry, not that he could not do so, but in haste I presume he omitted to do so.

Mr. ABERNETHY. What is it all about?

Mr. SABATH. I suggest that the gentleman from Nebraska propound the inquiry in my name, or even better, in his own, for probably he would succeed a little better than I did.

Mr. MILLER of Washington. Would the gentleman from Nebraska yield?

Mr. HOWARD of Nebraska. Yes.

Mr. MILLER of Washington. I merely rise to ask whether it is perfectly clear to the gentleman from Nebraska now? [Laughter.]

Mr. HOWARD of Nebraska. I would say frankly that the matter is not quite as much muddled in my mind as it was, but still I am in some doubt, and taking the answer given by the gentleman in charge of the bill, relayed to me by the gentleman from Illinois [Mr. SABATH], I am still disposed to say that the matter must be regarded by me as more or less in the light of a ghe-he.

Mr. ABERNETHY. And what is that?

The CHAIRMAN. Without objection the pro forma amendment will be withdrawn and the Clerk will read.

The Clerk read as follows:

PREPARATION OF DOCUMENTS

SEC. 21. Immigration certificates and permits issued under section 9 shall be printed on distinctive safety paper and shall be prepared and issued under regulations prescribed under this act.

Mr. JOHNSON of Washington. Mr. Chairman, I have a committee amendment to perfect the test.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Committee amendment by Mr. JOHNSON of Washington: Page 28, line 16, strike out the words "immigration certificate and permits" and insert in lieu thereof the word "permits."

The amendment was agreed to.

Mr. JOHNSON of Washington. The next section to be read under the agreement is section 26.

The Clerk read as follows:

STEAMSHIP FINES UNDER 1917 ACT

SEC. 26. Section 9 of the immigration act of 1917 is amended by adding after the third sentence thereof a new sentence to read as follows: "If a fine is imposed under this section for the bringing of an alien to the United States, and if such alien is accompanied by another alien who is excluded from admission by the last proviso of section 18, the person liable for such fine shall pay to the collector of customs, in

addition to such fine but as a part thereof, a sum equal to that paid by such accompanying alien for his transportation from his initial point of departure indicated in his ticket, to the point of arrival, such sum to be delivered by the collector of customs to the accompanying alien when deported."

Mr. STEAGALL. Mr. Chairman, I have a news report in the Washington Post of this morning which I think will be of some value as a contribution to this discussion. The report reads as follows:

QUITS BOOTLEGGING AT DAUGHTER'S PLEA—CHILD IN FAR-AWAY ITALY IS SHAMED BY FATHER'S REPUTATION IN NEW YORK

NEW YORK, April 10.—Mike Cusamano doesn't mind being called "king of the bootleggers" in New York or even in America. But, he explained to-day to David Siege, assistant United States district attorney, to be known by such a name in the old country and to have the opprobrium bring scorn and unhappiness to an 11-year-old daughter over there—that's different.

"They pass her by on the street, her playmates," Mike said. "They make faces at her in school and say, 'Daughter of the king of bootleggers in America.' She writes me that she is unhappy, and sends me newspaper clippings of dispatches from New York calling me that name, and begs me to come home."

So Cusamano has turned his wealth into cash—nearly $1,000,000, some say—and is sailing Monday for his native town of Cinegat, Italy, "to be the richest man in town and make my daughter happy." He visited the Federal attorney because he didn't want it thought he was running away to avoid prosecution.

"But we haven't a thing on Mike," Mr. Siege explained. "A lot of complaints, but no evidence that would convict. We're glad to wish him bon voyage."

The case of this man, Mike Cusamano, may not be a typical one, but it is not unfair to say that it represents a class—entirely too numerous—that has taken advantage of the hospitality and liberality unwisely indulged by our Government in our careless immigration policy. According to the report, this man cared little for his standing in America, but was solicitous for his good name and the standing of his family in the country of his nativity. His only interest in America rested upon a desire to accumulate money, which it seems he succeeded in doing in a business operated in violation of the Constitution and laws of the United States.

Just here let me say that I have often wondered why people who are so much opposed to our prohibition laws should desire to open our doors to indiscriminate immigration from all parts of the world when it is well known that the presence of so many of foreign birth and millions of negroes among us is in large part responsible for the sentiment which brought about national prohibition. I have always voted for prohibition, but it has been a source of great regret to me that we have been forced to legislate, and even to amend our Constitution, to meet conditions created by the classes to which I have just referred. In my humble judgment, it is time to call a halt in enlarging that class of our population that has proven unfit to enjoy the blessings secured under our laws and that is wholly incapable of preserving our liberties and our institutions.

It is to be regretted that we did not act with wisdom and prudence in this matter years ago. Our policy was bad enough in normal times. Millions and millions have been brought to our shores in recent years as the result of an effort to obtain cheap labor to carry on a great program of industrial development. The practice was never wise nor helpful. It is absolutely unjustifiable and inexcusable now. No economic development can compensate for the lowering of social standards or jeopardizing our racial integrity at this critical time in our history. I think I know how the people of the section in which I live have suffered because of relying in part upon the labor of a race vastly inferior in intellect and morals. The only fault with the bill before us is that it is too lax and will further complicate and extend the greatest problem that confronts the Nation. It does not go far enough. We are admitting under the present law more than half a million annually. Reports and advices fairly reliable indicate that fully 1,000,000 have entered contrary to law during the past year. Up to 10 years ago 70 per cent of our immigration was from northern Europe. At the present time only 30 per cent is coming from northern Europe, while the remainder comes from southern Europe, a vast horde wholly incapable of appreciating our institutions and impossible to be assimilated by our people. Mexicans in large numbers are crossing into the United States and Chinese and Japanese, to an alarming extent, are overrunning the Pacific States. No stronger argument could be made for the passage of the bill before us than the opposition which it has developed.

No higher proof of the wisdom and necessity of this legislation could be offered than the effort that is made to thwart the will and judgment of the Members of this House who are trying to act for the best interests of this country. To listen to the arguments against this bill is almost enough to leave the impression that even now we have no right to exclude undesirable immigrants from our borders. If we fail to act now, it will not be long before we shall be powerless in the face of the great influences that will be put forth to control the action of Congress.

The world is upset and disturbed as never before. The Great War has left us an accumulation of problems that calls for all that is best in American statesmanship. We are burdened with a debt of more than twenty billions of dollars. Our international relationships involve difficulties and obligations never known before. The years of the early future will test our wisdom and our patriotism to the very core. The tasks that confront us can only be solved by real Americans who appreciate the birthright of American citizenship. We should exclude from our midst all who are unfit to aid in making the America of our children and our children's children. This is not selfishness; it is self-preservation. It is not only self-preservation; it is service to mankind. The preservation of this Republic is the greatest benefit we may hope to render humanity, and the greatest service we may do the world is to preserve American ideals and American institutions. [Applause.]

Mr. LAGUARDIA. Mr. Chairman, I rise in opposition. Mr. Chairman, I intended to introduce an amendment providing for the immigration inspectors the same consideration we give customs inspectors for overtime work to be paid by the steamship companies. I just conferred with the chairman of the committee and he stated he would take that up in conference when the bill goes to conference. I want to say a word right here, gentlemen, for the employees of the Immigration Service. Many of them, a greater part of them, have been in the service for 15 or 20 years and more. I served at Ellis Island with them some 15 years ago, and most of those men are still in that service, overworked and underpaid, and they pay an interpreter at Ellis Island a great deal less than they do in New York, and in the State courts. They pay an inspector who has to pass upon human beings less than they pay a customs inspector. Why, gentlemen, you have at the port of New York a Custom Board of Appeals, with three judges with a decent salary, judges trained in the law, specialists in their work, and they pass upon the question of whether a fish is an anchovy or a sardine, and yet you have an inspector pass upon the admission of a human being, he must decide the fate of this person, and you permit him to work down there for $1,400, $1,500, and $1,700, and if he is in the service 15 or 20 years the best he can look forward to is $1,800 when he has devoted his whole life to this service.

I hope when the proper time comes, gentlemen, you gentlemen who are urging this restrictive measure, you give some consideration to these splendid men who have given their whole lives to the service, who are deserving of a great deal more consideration than what they are getting now. The salaries that are being paid are far too low for that work. These men must be specialists, linguists, know the law and exercise a great deal of judgment, and there is a lot of responsibility on an inspector passing upon these questions, and we are not treating these men right, we are not treating them fairly unless we give them an adequate and decent salary upon which they can live properly.

The CHAIRMAN. Without objection the pro forma amendment will be withdrawn.

There was no objection.

The Clerk read as follows:

GENERAL DEFINITIONS

SEC. 28. As used in this act—

(a) The term "United States," when used in a geographical sense, means the States, the Territories of Alaska and Hawaii, the District of Columbia, Porto Rico, and the Virgin Islands;

(b) The term "alien" includes any individual not a native-born or naturalized citizen of the United States, but this definition shall not be held to include Indians of the United States not taxed, nor citizens of the islands under the jurisdiction of the United States;

(c) The term "ineligible to citizenship," when used in reference to any individual, includes an individual who is debarred from becoming a citizen of the United States under section 2169 of the Revised Statutes, or under section 14 of the act entitled "An act to execute certain treaty stipulations relating to Chinese," approved May 6, 1882, or under section 1996, 1997, or 1998 of the Revised Statutes, as amended, or under section 2 of the act entitled "An

act to authorize the President to increase temporarily the Military Establishment of the United States," approved May 18, 1917, as amended, or under law amendatory of, supplementary to, or in substitution for, any of such sections;

(d) The term "immigration certificate" means a certificate issued by a consular officer under the provisions of this act, together with the application therefor;

(e) The term "consular officer" means any consular or diplomatic officer of the United States designated, under regulations prescribed under this act, for the purpose of issuing immigration certificates under this act. In case of the Canal Zone and the insular possessions of the United States the term "consular officer" (except as used in section 24) means an officer designated by the President, or by his authority, for the purpose of issuing immigration certificates under this act;

(f) The term "immigration act of 1917" means the act of February 5, 1917, entitled "An act to regulate the immigration of aliens to, and the residence of aliens in, the United States";

(g) The term "immigration laws" includes such act, this act, and all laws, conventions, and treaties of the United States relating to the immigration, exclusion, or expulsion of aliens;

(h) The term "person" includes individuals, partnerships, corporations, and associations;

(i) The term "Secretary" means the Secretary of Labor;

(j) The term "Commissioner General" means the Commissioner General of Immigration;

(k) The term "application for admission" has reference to the time of the application for admission to the United States and not to the time of the application for the issuance of the immigration certificate;

(l) The term "permit" means a permit issued under section 9;

(m) The term "landing card" means a landing card issued under section 19;

(n) The term "unmarried," when used in reference to any individual as of any time, means an individual who at such time is not married, whether or not previously married;

(o) The terms "child," "father," and "mother," do not include a child or parent by adoption unless the adoption took place before January 1, 1924.

Mr. JOHNSON of Washington. Mr. Chairman, I have a committee amendment to offer.

The CHAIRMAN. The gentleman from Washington offers an amendment, which the Clerk will report.

The Clerk read as follows:

Committee amendment offered by Mr. JOHNSON of Washington: Page 34, line 3, strike out the comma and the words "together with the application therefor."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. JOHNSON of Washington. Mr. Chairman, I offer another amendment.

The CHAIRMAN. The gentleman from Washington offers another committee amendment, which the Clerk will report.

The Clerk read as follows:

Committee amendment offered by Mr. JOHNSON of Washington: Page 35, line 17, strike out the period and in lieu thereof insert a semicolon. After line 19, insert a new section as follows: "(p) The terms 'wife' and 'husband' do not include a wife or husband by a proxy or 'picture' marriage."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. SABATH. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Illinois moves to strike out the last word.

Mr. SABATH. I desire to ask the chairman of the committee whether he is going to move to rise now. There are only a few more lines here. I am asking the question because I have an amendment that I desire to offer later on for the purpose of equalizing the salaries of these inspectors, and the only place where it could be offered would be right here, after paragraph (p).

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

Mr. SABATH. Yes.

Mr. RAKER. I want to say that I am heartily in favor of that matter when the legislation comes up properly. It is not germane to this bill, and it ought not to be put on this bill for the purpose of defeating it. There are people who will make a fight on it, and it might injure this bill. A bill will come out of the committee in due course with the purpose of properly providing for these people, and we ought not to load this bill down.

Mr. SABATH. The gentleman knows that although I am opposed to some of the provisions of the bill, I have not been doing anything to defeat the bill. I am really interested in these men. I believe these men ought to be compensated to the same extent as the men who are doing a less important work in other departments.

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

Mr. SABATH. Yes.

Mr. JOHNSON of Washington. The proposed amendment is clearly subject to a point of order. Could we not read sections 29 and 30?

Mr. RAKER. I will make a point of order on such an amendment. I am in favor of paying these men adequately, but I believe that instead of the United States paying them they should be paid by some corporation or steamship company.

Mr. JOHNSON of Washington. Can we not make some arrangement as to this?

Mr. SABATH. If we can make the steamship company pay it, we should make them do it. We should not have undue consideration for the steamship companies.

Mr. RAKER. I am not in favor of a man getting pay from two masters. A man can not serve two masters.

Mr. LAGUARDIA. It is to be paid by the steamship company in the end. The Government would be repaid by the steamship company.

Mr. RAKER. Yes; but it is a roundabout way of making the steamship company pay.

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

Mr. SABATH. Mr. Chairman, may I have two minutes more?

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to proceed for two minutes more. Is there objection?

Mr. MACGREGOR. I object.

The CHAIRMAN. Objection is heard.

Mr. MACGREGOR. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from New York moves to strike out the last word.

Mr. MACGREGOR. I want to ask whether this controversy is over the general subject of the pay of customs inspectors?

The CHAIRMAN. Does the gentleman from New York object to the extension of the time for two minutes?

Mr. MACGREGOR. I will withdraw my objection.

The CHAIRMAN. The Chair hears no objection.

Mr. SABATH. I had in mind the equalization of these inspectors, so that they would receive the same compensation as the inspectors in the revenue service receive. That is all I am trying to accomplish.

Mr. MACGREGOR. The chairman of the Committee on Appropriations has stated that if the Classification Board does not make a report before the 1st of July it is the intention to reclassify the field service so as to give them the same pay as the Government employees in the District of Columbia.

Mr. SABATH. I know they have been receiving a lot of promises, but they can not live on promises.

Mr. MACGREGOR. That is more than a promise. The Committee on Appropriations has been authorized to prepare and report such a bill.

Mr. SABATH. My suggestion would not meet with the approval of the chairman of the Committee on Appropriations, because the increase would involve legislation for overtime work, to be paid by the steamship company.

The CHAIRMAN. The time of the gentleman from Illinois has again expired. The Clerk will read.

Mr. LAGUARDIA. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. LAGUARDIA. The gentleman from Illinois [Mr. SABATH] moved to strike out the last paragraph, which was paragraph (o). Whether a pro forma amendment was offered or not, I do not know; but I want to 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. LAGUARDIA: Page 35, lines 15 to 17, inclusive, strike out paragraph (o).

Mr. LAGUARDIA. Mr. Chairman, I understand that a few days ago a decision was handed down by the court in New

York holding that an adopted child was not a child within the meaning of the statute in New York. It often happens that an uncle or an aunt adopts a child, and it seems to me to be harsh and cruel to exclude a child legally adopted. That is what this section does.

Mr. JOHNSON of Washington. The law regarding adopted children is various in different States. This applies to the United States.

This provides a definition which will protect the United States.

Mr. LAGUARDIA. In paragraph (o) it is provided:

The terms "child," "father," and "mother" do not include a child or parent by adoption unless the adoption took place before January 1, 1924.

Mr. PERLMAN. Will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. PERLMAN. Does not paragraph (o) reverse a court decision?

Mr. LAGUARDIA. I am just referring to that, and the decision was rendered a few days ago.

Mr. NEWTON of Minnesota. Is it not pretty near time that Congress changed the law as made by some of the decisions of the United States court for the southern district of New York with reference to immigration matters? [Applause.] I think it is, and the adoption matter appears to be one of them. They appear to go a long way so as to pick out a way whereby they can circumvent the will of Congress as expressed in the immigration laws. [Applause.]

Mr. LAGUARDIA. I will say to the gentleman from Minnesota that I have a constitutional amendment which will give Congress the power to reverse the courts, and I understand the gentleman is opposed to that.

Mr. NEWTON of Minnesota. Yes; the gentleman is opposed to it.

Mr. LAGUARDIA. But in this case the gentleman reverses himself.

Mr. NEWTON of Minnesota. The gentleman from Minnesota believes in standing by the Constitution and in Congress controlling legislative acts and letting the judiciary do the interpreting of laws instead of making them.

The CHAIRMAN. The time of the gentleman from New York has expired. The question is on agreeing to the amendment offered by the gentleman from New York.

The amendment was rejected.

The Clerk read as follows:

TIME OF TAKING EFFECT

SEC. 31. (a) Sections 2, 7, 12, 13, 14, and 15, and subdivision (b) of section 10, shall take effect on July 1, 1924, except that immigration certificates and permits may be issued prior to that date, which shall not be valid for admission to the United States before July 1, 1924. In the case of quota immigrants of any nationality, the number of certificates to be issued prior to July 1, 1924, shall not be in excess of 10 per cent of the quota for such nationality, and the number of certificates so issued shall be deducted from the number which may be issued during the month of July, 1924.

(b) The remainder of this act shall take effect upon its enactment.

Mr. JOHNSON of Washington. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Washington offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. JOHNSON of Washington for the committee: Page 36, line 18, after the period insert a new sentence to read as follows: "In the case of immigration certificates issued before July 1, 1924, the two-month period referred to in subdivision (c) of section 2 shall begin to run on July 1, 1924, instead of at the time of the issuance of the certificate."

Mr. JOHNSON of Washington. Mr. Chairman, I would like to say that this amendment was suggested by the gentleman from New York [Mr. PERLMAN].

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

The amendment was agreed to.

Mr. JOHNSON of Washington. Mr. Chairman, I offer another committee amendment.

The CHAIRMAN. The gentleman from Washington offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. JOHNSON of Washington: Page 36, after line 20, insert a new section, as follows:

"SAVING CLAUSE IN EVENT OF UNCONSTITUTIONALITY

"SEC. 32. If any provision of this act, or the application thereof to any person or circumstances, is held invalid, the remainder of the act, and the application of such provision to other persons or circumstances, shall not be affected thereby."

Mr. CHINDBLOM. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. CHINDBLOM. Should not this amendment occur after the amendment just adopted rather than after line 20?

Mr. PERLMAN. This is a new section, is it not?

Mr. CHINDBLOM. It should follow the previous amendment.

Mr. JOHNSON of Washington. It does.

Mr. PERLMAN. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. PERLMAN. I have an amendment to offer to section 31. This appears to be a new section.

Mr. JOHNSON of Washington. The amendment was suggested by Mr. PERLMAN, and it is after line 20.

The CHAIRMAN. The Chair will state that the amendment offered by the gentleman from Washington, which purports to be an amendment suggested by the gentleman from New York [Mr. PERLMAN], was adopted as a part of section 31. This is a new section, but if the gentleman from New York has any amendment to offer to section 31, the Chair will recognize him for that purpose before he recognizes the gentleman from Washington to offer his amendment.

Mr. PERLMAN. I do desire to offer an amendment.

The CHAIRMAN. The gentleman from New York offers an amendment to section 31, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. PERLMAN: Page 36, line 20, after the period, insert:

"(c) This act shall be operative until June 30, 1925."

Mr. PERLMAN. Mr. Chairman, I rise, first, to answer the gentleman from Minnesota [Mr. NEWTON], who just made some reflections upon New York. The decision referred to by the gentleman from Minnesota was written by a recent appointee, one of the ablest judges we have on the bench, and he based his decision on decisions made by judges throughout the United States and some, I think, by the Supreme Court. I am very much surprised at the gentleman from Minnesota saying that he would have Congress reverse such decisions, even if they do come from New York, for that is contrary to good government policy.

Mr. NEWTON of Minnesota. Will the gentleman yield?

Mr. PERLMAN. Yes.

Mr. NEWTON of Minnesota. Oh, no; the gentleman is not quite stating my position correctly. I stated that it is the business of Congress to do the legislating and that where the courts make a decision that is not what we believe to be what the law should be, it is our duty to change the law.

Mr. PERLMAN. But the courts merely interpret what Congress enacts as law. Up to the time Judge Bondy made his decision, Congress had not passed any law defining what adoption means as far as quota law is concerned. By subdivision (o) of section 28 you are trying by legislation to reverse a court decision, and I do not believe you want to do that.

I want to say a word about this last amendment. I am satisfied this law ought not to be the permanent law of the land. Any law basing immigration on place of birth is not good American law, and for that reason I have offered an amendment that this shall continue to be, as the original quota law was, just an emergency law until the congressional committees can bring in some constructive, permanent immigration policy that is really American.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. PERLMAN].

The question was taken; and on a division (demanded by Mr. SABATH) there were—ayes 16, noes 55.

Mr. PERLMAN. Mr. Chairman, I object to the vote.

The CHAIRMAN. The gentleman from New York objects to the vote on the ground there is no quorum present.

Mr. JOHNSON of Washington. Mr. Chairman, I move the committee do now rise.

The CHAIRMAN (after counting). Sixty-five Members present; not a quorum. The gentleman from Washington moves that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker pro tempore having resumed the chair, Mr. SANDERS of Indiana, 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. 7995) to limit the immigration of aliens into the United States, and for other purposes, had come to no resolution thereon.

IMMIGRATION—ADDRESS OF SECRETARY OF LABOR

Mr. COOPER of Ohio. Mr. Speaker, I ask unanimous consent to extend my remarks by having printed in the RECORD a speech by the Secretary of Labor, Hon. James J. Davis, at Youngstown, Ohio, on the question of immigration.

The SPEAKER pro tempore. The gentleman from Ohio asks unanimous consent to extend his remarks in the RECORD by printing a speech delivered by the Secretary of Labor, Hon. James J. Davis, on the subject of immigration. Is there objection? [After a pause.] The Chair hears none.

Mr. COOPER of Ohio. Mr. Speaker, under leave to extend my remarks I insert herewith a speech delivered in my home city of Youngstown, Ohio, recently by the Secretary of Labor, Hon. James J. Davis:

ADDRESS OF THE SECRETARY OF LABOR, HON. JAMES J. DAVIS, AT YOUNGSTOWN, OHIO

A visit to Youngstown to me is always like a return to the past, for I have many, many memories of Youngstown that will live with me always. There have been many changes since I first visited this city. The Youngstown of those days was hardly the prosperous, growing city of 150,000 people which we find here to-day. Great business institutions, fine schools, and stately churches have grown up in the meantime, and the city has acquired a new cosmopolitan and metropolitan standing among the great municipalities of our country. It is to-day the second largest steel manufacturing center of this country.

I remember many visits to Youngstown under circumstances quite different than those surrounding my present visit. I remember my visits to the mills where, as a representative of the workers, I sought to settle the dispute which arose between the mill managements and their men. I can see in this audience many of those whom I worked with and for in those days, and I know that this gathering holds a representative body of the magnificent man power of the Mahoning Valley. The character of the people of Youngstown has not changed since those days, although they have kept pace with the forward movement of political, economic, and social progress.

The sons of the struggling millmen of those days are to-day occupying the leading places of the community. I look about me and see them as upright judges, as able lawyers, as successful business men. Here we can find true proof of the opportunity which means America.

Youngstown has always been in the forefront of industrial progress. It has always found the way toward organization and cooperation in industry, the principles upon which have been built up this vast steel industry which dots the Mahoning Valley with the belching chimneys and forge and furnace, and which has brought prosperity to this great community. Of course, you have had your strikes, and I remember well the annual struggles over the fixing of the wage scale in the steel industry. But when an agreement was reached both management and worker strove, with the best that was in them, to do their respective shares toward turning out the best product of which they were capable.

I hope, and I believe, that this same spirit prevails throughout the industries of Youngstown to-day. For America's great need to-day is cooperation in industry, a mutual recognition by employer and worker of the rights and duties of each other. We are gradually learning that the day of the master and man is gone in American industry, and that the man whose labor makes industry possible is full partner with the man who manages industry. We are learning that the worker and the employer have mutual interests, that if one gains both must gain; if one loses both must lose; if one fails both must fail. We are finding that each must recognize the needs, the aspirations, and the difficulties of the other, and that both must recognize their joint duty to the public upon whose patronage the success of any industry ultimately depends.

You have seen in Youngstown, as I have seen throughout the country, the restoration of prosperity and progress during the last three years, following a depression induced by the post-war readjustment of industry, which at one time had upward of 5,000,000 American workers walking the streets looking for jobs. Our recovery from that depression can be traced to the ability and honesty, the devotion to duty, and the calm judgment of the national leadership which has been in charge of our Federal Government. We were fortunate to have at the helm of the ship of state, when disaster threatened, the late President Warren G. Harding, who followed the path of public service and devotion to the people to his grave, a martyr to his labors for the Nation. He worked with courage as well as prudence, for he was the first President of the United States who was brave enough to give his signature to legislation restricting immigration and protecting the American worker from a flood of foreign labor which sought to abandon the war-torn countries of Europe. The man who works in America owes a great debt of gratitude to Warren G. Harding, and the worker may well enshrine in his heart, as a memorial to that great President, the words of his wage creed:

> "The workman's lowest wage must be enough for comfort, enough to make his house a home, enough to insure that the struggle for existence shall not crowd out the things worth existing for."

And when God in his wisdom relieved President Harding of the tremendous burdens which public service had imposed upon him there rose up another to take his place. Vice President Coolidge came to the White House from the little rock-bound Vermont farm of his father. There in the old-fashioned farmhouse by the light of a kerosene-oil lamp that father, a justice of the peace, administered the oath which inducted into the Presidency of the United States a plain, upstanding man of cool and calm judgment who has behind him the strength of generations of Americans who struggled with the bleak New England soil for a livelihood and a long life of honest work. In him the American worker finds a true friend, for he knows what work means.

The United States to-day faces the immediate necessity of arriving at a clear and permanent policy in a matter which is fundamental in our national life—the matter of immigration. It is a question which affects our whole scheme of national existence, our whole program of national development. It bears upon our continued growth, yes, upon our very existence as a homogeneous self-governing people.

The importance of this problem has been during the last few years gradually forcing itself upon the attention of the American people. We are beginning to realize the far-reaching consequences of a policy of unrestricted immigration, and for several years we have sought by legislation fixing a percentage limitation on the aliens to be admitted from countries outside of the Western Hemisphere to restrict the numbers that may come to us. For nearly 100 years after the United States became an independent nation we prescribed no qualifications for those who wished to come to America. We accepted all—good, bad, or indifferent. It is only since 1880 that we have sought to bar even the physically and mentally diseased and the morally corrupt who applied for admission. Our immigration laws have grown up haphazard during the last 40 years, and it is within the lifetime of many of us that a great poet, watching the flood of aliens passing through the Port of New York beneath the towering form of the Statue of Liberty, was inspired to warn the Nation in these words:

> "O Liberty, white goddess, is it well
> To leave the gates unguarded? On thy breast
> Fold Sorrow's children, soothe the hurts of Fate,
> Lift the downtrodden, but with hand of steel
> Stay those who to thy sacred portals come
> To waste the gifts of freedom."

We are realizing to-day that during the past 135 years this country has been the goal of the greatest movement of peoples that the world has ever known. None of the great migrations of history since the Saracens swept over eastern Asia and northern Africa has even approached in numbers the tide which has come to the United States since there was founded here a government based on human rights. More aliens have passed through our ports of entry within a few months than there were in all the hosts of Goths and Huns and Vandals who begged their way into Italy to accomplish the downfall of the Roman civilization. Since 1820 there have come to the United States approximately 35,000,000 foreigners, and about one-third of that number have come to us since 1900.

The tremendous influence which the quality of our alien residents must exert upon the physical, mental, and moral make-up of our people, both to-day and in the future, is clearly demonstrated by our last census. Out of a total white population of 94,820,915, only 58,421,957 are of pure native-born parentage. In other words, there are in this country to-day upward of 36,000,000 individuals who in the present generation or the last generation have been linked with a foreign allegiance, a foreign standard of living, a foreign code of social existence. Of these, nearly 14,000,000 are foreign born. Less than one-half of these foreign-born residents are naturalized American citizens, and the records show that the average alien is in this country for 10 years before he assumes the duties and responsibilities of American citizenship.

We have for years sought to exclude the diseased, the insane, the imbecile, the idiot, the feeble-minded, criminals, and all aliens likely to become a charge upon the community. But a survey made during the last year by an eminent scientist for a congressional committee showed that despite our efforts in this direction the foreign-born population, 14.70 per cent of our people, supplies 20.63 per cent of the population of our jails, almshouses, insane asylums, and other public institutions housing social inadequates. If the purpose and intent of our laws were adequately carried out there ought properly to be practically no foreign born in such institutions.

I yield to no man, native born or naturalized citizen, in my reverence and respect for those of foreign birth who have brought to America the power and genius which has contributed so much to American progress and the development of a truly American civilization. I yield to no man in pride in men of the type of Nikola Tesla, of Nathan Straus, of Pupin, or of Steinmetz. I know the service that the immigrant has rendered to America. I was an immigrant boy myself. I have been brought up among immigrants for the 50 years of my life. But I can not be fooled by any sickening sentimentality, any false sophistry, into the belief that the feeble-minded boy who was deported from the United States a few months ago, despite a clamor of propaganda which swept the country, would ever become a Straus or a Steinmetz. No pretty plea for mercy for the oppressed can force me to look with anything but indignation upon efforts to violate the law and bring into America those afflicted with loathsome and communicable diseases. My sympathy lies close to the surface. I am a great believer in humanity. But with me humanity begins at home.

I am firm on one proposition. The immigration question is an American question to be settled by Americans for the benefit of America now and in the future. In its determination no foreign influence, no radical intrigue should have any part. The sole thought in the minds of every American who considers this question should be "What is best for America?" On that proposition I shall stand or fall.

It is with these thoughts in mind, and after three years of study of the administration of our immigration laws, that I have thought it my duty to lay before the proper committees of the House and Senate certain suggestions as to immigration legislation. I have not so far volunteered any suggestion as to numerical restriction of immigrants, as to the fixing of quotas for any country, or as to the basis to be used in computing any such quotas as may be imposed. I have, however, proposed that any quota limitations imposed shall be applied without exception to all countries from which we permit aliens to come. The present law excepts from the quota restrictions British North America, Mexico, Central and South America. I would include these. The reasons are plain. By failing to impose a quota upon these countries we are in the position of barring the front door to America while we leave the back door wide open. Aliens from any country in the world, by obtaining citizenship in these nations on the American Continent, either by continued residence, by fraud, or otherwise, can qualify themselves for admission to the United States. These exceptions we have found in practice make for evasion and violations of the law, and provide a ready means for the alien smuggler, the bootlegger of humanity. The smuggling of aliens, linked with the illicit traffic across our borders in rum and narcotics, has become a widespread industry. It is made easy by the exemption of our nearest neighbors from the restrictions of the quota law, for it provides convenient bases for the assembling of aliens seeking to enter the United States in violation of the law, and convenient routes of travel for their transportation across our borders. Furthermore, I can see no reason or justice in excepting the nationals of any nation from a law enacted as a matter of general national policy.

As a primary and basic principle I have suggested the selection and examination abroad of all immigrants. First, I would eliminate all present requirements of passports from a foreign government for immigrants. I can not stress too strongly the fact that the admissibility of aliens to the United States is a matter for the United States and the United States alone to determine. No foreign government has the slightest claim to the right to say who shall or who shall not enter the United States. If any alien qualifies under our laws to come, we ought not to be a party to preventing his entrance, and his departure from his homeland is purely a matter between himself and his government.

I know that some foreign countries are anxious to keep at home their young, robust, sturdy men, to maintain their man power, and that many are willing to permit the departure of the old and infirm or the diseased. I was frankly told by a high official of one government in Europe recently that his country was interested in emigration to the United States only in so far as it helped to dispose of the "old men and the rubbish." Through passport control, of course, these nations may control emigration. Representative Cable, of Lima, Ohio, recently asked me what could be done to prevent this control becoming a means of prohibiting the immigration of sound young men. The remedy is plain. We can authorize the President of the United States, when he is satisfied that this "old men and rubbish" system is being fostered through the passport system, by any country, to prohibit all immigration from that country until the practice is discontinued.

America is our home, and every man has a right to protect his home.

To accomplish this proposal for the examination and selection of immigrants abroad I propose that every prospective immigrant be required to secure from an American consular office an immigration certificate based upon a verified questionnaire to be filed by the applicant and verified by the consular officer. The immigration certificate would issue only when the applicant had made clear his admissibility under the immigration laws of the United States. Wherever necessary I would provide for the detailing of immigration officials and Public Health Service officers to consular offices to assist in handling the details of this system. As a means of selection I would provide for the issuance of immigration certificates to qualified immigrants of these classes in this order of preference:

First. The husbands, wives, and minor children of alien residents in this country who have declared their intention to become citizens of the United States. There is no more heart-rending circumstances incidental to the administration of our immigration laws at present than the separation of families, one or more members of which have succeeded in entering the United States. This preference is proposed as a matter of common humanity.

Second. Immigrants who served in the military or naval forces of the United States during the World War. It is obvious that we should offer every opportunity that America can afford to those who offered their lives in the service of American ideals under the American flag.

Third. Ministers of any religious denomination. We will practically all admit the prior claims of the religious instructor, no matter what his faith.

Fourth. Professors or scholars. We can not have too much of learning, too much of knowledge in America.

Fifth. Skilled laborers; and, sixth, all other laborers, including domestic servants. These two classifications would provide within the quotas for that man power which our industry may need to draw from foreign sources.

After all of these classes, certificates would be issued to all other immigrants who could qualify under the quota restrictions.

I would provide for the admission to the United States, regardless of quota limitations if the quota is exhausted, of the husband, wife, minor child, or dependent father or mother of a citizen of the United States. Here again humanity dictates that we facilitate the reuniting of families, but the policy indorses that plan, for the man who can live in the bosom of his family is a better worker, a better citizen, a better man, than the man who must be separated from those he loves. This case I would cover through special immigration certificates to be issued at the direction of the Secretary of Labor upon the verified showing of the citizen of the United States seeking to have his relative or relatives admitted.

By the same process I would provide for the admission, regardless of quota, of farmers and skilled or unskilled labor where labor of like kind can not be found unemployed in the United States, provided that no strike or lockout exists or impends in the industry seeking to import such labor. There can be no doubt that there are times in our economic history when we need man power. Our immigration history has proved that it is folly to seek to satisfy this need by throwing down all of the bars and admitting aliens indiscriminately. That policy results in securing a heterogeneous mass of immigrants, only a small proportion of whom will fit into the economic structure where they are needed. Europe is not a reservoir of all kinds of labor waiting to be tapped.

When we need a special class of worker we should admit that special class, in order that all other workers in the industry dependent upon the labor which is lacking may not be thrown out of employment. This proposal is safeguarded by provisions for full and ample hearing and investigation by the Secretary of Labor into the conditions under which it is sought to bring labor into the country. It is furthermore balanced by the proposal that authority be vested in the President of the United States by proclamation to suspend immigration for the time, in the manner, and to the extent necessary whenever the Secretary of Labor and the Secretary of Commerce shall jointly certify that in their opinion unemployment in this country makes such suspension necessary. The need for this provision is plain. It is but a few years since millions of American workmen were walking the streets looking for jobs in the industrial depression which followed the World War. Despite our hastily imposed quota limitations, thousands of alien workers were admitted to the United States only to be added to the army of idleness and to become a burden upon American industry. We can not afford to burden the American economic structure with man power which we can not use and which might easily be used in time of industrial depression to undermine the American wage scale and the American standard of living.

I propose to limit the immigration certificates issued to immigrants of any nationality during any one year to the quota allotted to that nationality under any limitation proposed by Congress. Further, I would limit the number of such certificates to be issued by any consul to one-twelfth of the quota allotted to that consul for the year. At present the law permits the entrance of 20 per cent of any nation's quota in a single month, thus crowding the whole annual quota of the countries supplying the heaviest immigration into the first five months of the fiscal year. Immigration certificates would be valid for one year after the date of issue.

This system of issuing immigration certificates abroad and of distributing the quotas evenly throughout the year would put an end to many of our immigration difficulties. It would end once and for all

the appalling spectacle of racing steamships, risking the lives of thousands, in a monthly rush to be first into an American port, in order that their human freight may be brought within the monthly quota. It would end the periodic overcrowding of our immigrant stations with thousands of immigrants and the consequent delays in examination and admission of aliens. It would prevent all of the misery and distress now entailed in the rejection at an American port of the immigrant who has torn himself from his home, his source of livelihood, and his familiar surroundings, and who has probably expended all of the savings of a lifetime on a 3,000 mile journey across the sea. It would end for all time the constant clamor and criticism which now arises out of the rejection of aliens at our ports through the well-meant but misdirected efforts of relatives, friends, and fellow countrymen to have the immigration laws set aside in special cases for false reasons of "humanity" and "mercy" and "sympathy." It would lighten the burden on the alien, because if he was plainly inadmissible he could not obtain an immigration certificate, and it would strengthen the administration of the law by preventing undue hardships. I propose, however, to retain in the hands of immigration officials at the ports of entry the ultimate authority to reject any immigrant whether he holds an immigration certificate or not. There are many reasons for this, but it is clearly necessary to protect the United States against disease or physical defects which might be acquired between the time an immigrant obtained a certificate and the time he presented himself for admission. We must make sure that the alien when he is admitted can pass the physical, mental, and moral tests prescribed by law, that he is ready and willing to take a place in our American life to add something to the sum total of American civilization.

I would rigidly exclude the aliens who fail to obtain immigration certificates or special immigration certificates except the following classes: Officials of foreign governments; aliens once lawfully admitted to the United States and returning from a temporary visit abroad; bona fide students seeking to enter to study at an accredited college; bona fide alien seaman seeking to land in pursuit of their calling; aliens who having resided for at least five years in foreign contiguous territory are authorized to enter the United States for the purpose of laboring at a specified occupation at a specified place for a definite time; and aliens habitually crossing and recrossing boundary lines between the United States and foreign contiguous territory upon legitimate pursuits. These classes are plainly entitled to enter the United States and to remain so long as they maintain their right to the classifications exempted. But we have found in the past that exempt classifications open the door to fraud and evasion, and that we are without adequate machinery to insure that a nonimmigrant will remain a nonimmigrant after he arrives. To meet this situation I would provide that the Secretary of Labor have authority to fix the rules and regulations under which such nonimmigrants would be admitted in order to insure that they maintain their exempt status during their stay in the United States, and I would authorize the exaction of a bond for this purpose.

I have proposed special provisions to cover alien seamen landing at American ports. A humane provision of our seamen's law which permits foreign sailors to land in an American port to seek further employment on foreign-bound shipping has been used to evade our immigration laws and to smuggle undesirable and unadmissible aliens into the country. The seaman or pretended seaman simply leaves his ship and wanders off to seek other employment regardless of immigration qualifications. We found one group of these not long ago at work in an industrial plant as strike breakers. Many of them were diseased and one was insane. To meet this situation I have suggested the regulation of the landing of alien seamen through a permit card properly indorsed by an immigration officer at the port of arrival, and providing complete identification of the holder, including photograph and fingerprints. No landing card will be issued unless the seaman complies with the immigration laws of the United States. In the case of seamen of excluded races, such as the oriental, I would provide for the exaction of bond to insure their departure. By this arrangement and the penalties imposed for violations of the provisions of the law, we would be enabled to keep track of the alien seaman who sought to evade the immigration laws and to insure his deportation.

I have suggested that in all of this scheme of immigration control safeguards be thrown about every operation to prevent fraud, perjury, and evasion, with severe and rigid penalties for violations of the law. I am convinced that it is necessary, if we are to safeguard the social, economic, political, and moral life of America.

For I believe, and I think every true American believes, that the time has come when we must absolutely prohibit the admission to this country of every individual who will prove a drag upon progress, who will fail or refuse to grasp those American ideals which must be perpetuated if we are to maintain a representative form of self-government and an enlightened, forward-moving Nation of homogeneous people.

Let us provide for the admission of aliens who can be naturalized under our laws where the individuals seeking admission are physically, mentally, and morally normal and can contribute something to the advancement of our civilization. Let us absolutely bar from our shores those races which can not win American citizenship under our laws and those individuals of all races who are physically, mentally, morally unfit and whose standards menace our national life. Above all and no matter what numerical restriction we place on immigration let us be just to the alien by providing for selection and examination of prospective immigrants abroad.

Linked with this proposal for selective immigration I favor a plan for the enrollment or registration of the alien following his arrival in the United States, with provision for an annual census of the unnaturalized and a system of education in Americanism which will give every alien an opportunity to learn the English language and something of American history, traditions, ideals, and institutions. There is nothing radical or revolutionary in this proposal. It is based upon a principle which has always been recognized in our American political scheme of things. I am asking the alien to do nothing that I would not readily do myself. Every American citizen must register to qualify himself for exercising the right to vote. I must travel from Washington to Pittsburgh to register, give my name and age and birthplace, my description, and establish the fact that I am a citizen. Practically every State in the Union provides for the compulsory education of our children, both of the native born and of the alien. We insist that the alien child must learn to know America and American ways, but we leave that child's parents to struggle for what knowledge of their new land they can pick up among their own neighbors, who in almost all cases are aliens themselves, unfamiliar with the land of their adoption.

The neglect of the alien in this country is a terrible indictment of our people. A Federal judge recently told me that if the case of the neglected alien could be submitted to an American jury to-day the verdict would stagger the Nation. I know the difficulties which confront the immigrant when he arrives here, for my father came to this country, with little education, and struggled for years to gain a true place in the life of America. He knew but little of American ways and there were few to help him to that knowledge until he brought from Wales my mother and her six children, a family turned loose in a world entirely new and entirely strange. I know what a great help it would have been to my father and to all of us if he had been able to establish at once a real contact with the American Government and to find an opportunity to learn the lessons which every alien must learn if he is to take a proper place in American life and is to contribute something to the advancement of American civilization.

Do you doubt the need of educating the alien? Remember that the average foreigner who comes to this country is here for 10 years before he wins to American citizenship, and that half of our 14,000,000 aliens are to-day unnaturalized. Do you know that there is a great State in this Union which finds it necessary to maintain interpreters and translators in its legislature and courts because so many of its people do not speak or understand the English language? Do you know that under the arbitration system used in the courts of New York there are many occasions when arbitration proceedings are conducted entirely in an alien tongue? I maintain that no alien who comes to this country and lives for years without acquiring a knowledge of our language can either win the best that America has to offer him or give to America the best that is in him.

One great service that enrollment would give America would be that it would reveal the presence of the alien who is here in violation of the law, or who seeks by words or action to induce the violent overturn of our institutions. It has been estimated that 100 aliens a day evade our immigration laws and enter the United States through bootleg channels. They come from all directions and by all means of transportation. They are huddled in the dark holds of smugglers' vessels which ply from the islands of the Caribbean Sea with illicit rum and vile narcotic drugs. They steal across our vast expanse of land border; they come by railroad, automobile, and airplane. The smuggled alien means no good to America. What kind of an American can we develop out of the individual whose first acquaintance with America comes through defiance of our laws and contempt for our authority? He is a law violator when he arrives, and he remains a law violator. He ought to be weeded out and sent back whence he came.

Enrollment would enable us to know those among our alien population who are here to preach the downfall of all law and order and the destruction of all authority. No one knows how many agents of anarchy there are to-day in America. They come by devious ways, and they operate by stealth and concealment. That they ought to be found and deported no true American can deny. We are constantly finding traces of their propaganda and concrete results of their teachings.

This is no proposal for enforced naturalization. Naturalization can not be forced. It is not a matter of empty forms or of legal action. You can not make American citizens to order. Belief in American ideals and a determination to support American institutions must come from the soul and must be a consistent growth. Let us have no citizenship upon compulsion. But let us offer every alien who comes to us the opportunity of learning what America means, that we may foster

in his heart a respect for American political methods, a love for American traditions, and a devotion to the ideals for which America stands.

There are those who oppose this enrollment plan on the ground that it is an attempt at espionage. I can not follow their reasoning. There can be no espionage system in the United States so long as the true spirit of American lives. The American temperament would not permit it. You could not find American officials to enforce an espionage law in time of peace.

In particular, some of our labor leaders object to this proposal on the ground that employers might use it to oppress their workers and might find in it, in some strange fashion, a means of weeding out of industry those who seek to improve the conditions of the worker. Now, I know something about organizing workers. I have worked at it. I know that the hardest worker in the world to organize or to interest in the improvement of his condition is the ignorant, illiterate worker. Better conditions in industry come automatically when the bulk of the workers are intelligent and educated. The fate of the labor movement lies in the hands of the worker who thinks. No proposal which seeks to educate the worker, whether he be native born or alien, can hamper labor in its march to better things. On the contrary, every man who seeks the improvement of working conditions and the proper adjustment of wages will find his work facilitated and facilitated immensely by any program which makes for the instruction of the worker. We will reach the heights of prosperity in American industry when every man who works is an educated, intelligent, thinking American citizen. It is in this direction we are moving when we seek to enroll and educate the alien in the principles of American freedom.

ADJOURNMENT

Mr. JOHNSON of Washington. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 48 minutes p. m.) the House, in accordance with the order previously made, adjourned until to-morrow, Saturday, April 12, 1924, at 11 o'clock a. m.

EXECUTIVE COMMUNICATIONS, ETC.

432. Under clause 2 of Rule XXIV, a communication from the President of the United States, transmitting a supplemental estimate of appropriation for the Department of Agriculture for the fiscal year ending June 30, 1924, to remain available for expenditure until June 30, 1925, for the eradication of foot-and-mouth and other contagious diseases of animals, $1,500,000 (H. Doc. No. 236), was taken from the Speaker's table and 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. COOPER of Ohio: Committee on Interstate and Foreign Commerce. H. R. 8578. A bill to amend the act entitled "An act to promote the safety of employees and travelers upon railroads by compelling common carriers engaged in interstate commerce to equip their locomotives with safe and suitable boilers and appurtenances thereto," approved February 17, 1911, as amended; without amendment (Rept. No. 490). Referred to the Committee of the Whole House on the state of the Union.

Mr. MOORE of Ohio: Committee on the Post Office and Post Roads. S. 2111. A bill authorizing the Postmaster General to conduct an experiment in the Rural Mail Service, and for other purposes; with amendments (Rept. No. 492). Referred to the Committee of the Whole House on the state of the Union.

Mr. KELLER: Committee on Claims. H. R. 5481. A bill to provide for the carrying out of the award of the National War Labor Board of July 31, 1918, in favor of certain employees of the Bethlehem Steel Co., Bethlehem, Pa.; without amendment (Rept. No. 493). Referred to the Committee of the Whole House on the state of the Union.

Mr. MOORE of Illinois: Committee on the Territories. H. R. 6950. A bill to authorize the incorporated town of Cordova, Alaska, to issue bonds in any sum not exceeding $100,000 for the purpose of constructing and equipping a public-school building in said town of Cordova, Alaska; with amendments (Rept. No. 494). Referred to the House Calendar.

Mr. WURZBACH: Committee on Military Affairs. H. R. 5084. A bill to amend the national defense act approved June 13, 1916, as amended by the act of June 4, 1920, relating to retirement, and for other purposes; with an amendment (Rept. No. 495). Referred to the Committee of the Whole House on the state of the Union.

Mr. NEWTON of Minnesota: Committee on Interstate and Foreign Commerce. H. R. 8229. A bill granting the consent of Congress to the city of St. Paul, Minn., to construct a bridge across the Mississippi River; without amendment (Rept. No. 496). Referred to the House Calendar.

Mr. GRAHAM of Illinois: Committee on Interstate and Foreign Commerce. H. R. 8304. A bill granting the consent of Congress to the city of Chicago to construct a bridge across the Calumet River at or near One hundredth Street in the city of Chicago, county of Cook, State of Illinois; without amendment (Rept. No. 497). Referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. KELLER: Committee on the District of Columbia. H. R. 5517. A bill authorizing the sale of certain Government property in the District of Columbia to Jeremiah O'Connor; with amendments (Rept. No. 489). Referred to the Committee of the Whole House.

Mr. BOYLAN: Committee on Military Affairs. H. R. 6737. A bill for the relief of James A. Hughes; with an amendment (Rept. No. 491). Referred to the Committee of the Whole House.

CHANGE OF REFERENCE

Under clause 2 of Rule XXII, the Committee on Invalid Pensions was discharged from the consideration of the bill (H. R. 8511) granting a pension to Mrs. John Petty, and the same was referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. REED of Arkansas: A bill (H. R. 8613) to amend section 71 of the Judicial Code, as amended; to the Committee on the Judiciary.

By Mr. FLEETWOOD: A bill (H. R. 8614) to authorize the acquisition of a site and the erection of a Federal building at Rutland, Vt.; to the Committee on Public Buildings and Grounds.

By Mr. BRAND of Ohio: A bill (H. R. 8615) to establish standard weights for loaves of bread, and for other purposes; to the Committee on Agriculture.

By Mr. CHRISTOPHERSON: A bill (H. R. 8616) to prohibit campaign contributions by corporations; to the Committee on Election of President, Vice President, and Representatives in Congress.

By Mr. BRAND of Georgia: A bill (H. R. 8617) to prevent the sale of cotton and grain in futures markets; to the Committee on Agriculture.

By Mr. RATHBONE: A bill (H. R. 8618) to amend section 2 of an act entitled "An act to regulate the sale of viruses, serums, toxins, and analagous products in the District of Columbia, to regulate interstate traffic in said articles, and for other purposes," approved July 1, 1902; to the Committee on the District of Columbia.

By Mr. O'CONNELL of Rhode Island: Memorial of the Legislature of the State of Rhode Island approving Senate bill 2600 relative to radio broadcasting; to the Committee on the Merchant Marine and Fisheries.

By Mr. ALDRICH: Memorial of the Legislature of the State of Rhode Island urging passage of Senate bill 2600 relative to radio broadcasting; to the Committee on the Merchant Marine and Fisheries.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. GREENWOOD: A bill (H. R. 8619) granting a pension to Eva L. Little; to the Committee on Invalid Pensions.

By Mr. HICKEY: A bill (H. R. 8620) granting a pension to Lucinda Lucas; to the Committee on Pensions.

By Mr. HUDSON: A bill (H. R. 8621) granting a pension to Mary J. Wimbles; to the Committee on Invalid Pensions.

By Mr. KING: A bill (H. R. 8622) for the relief of Abraham Lincoln Harper; to the Committee on Claims.

Also, a bill (H. R. 8623) to provide for an examination and survey of the Mississippi River at or near Quincy, Ill., for the purpose of determining the practicability and estimating the cost of a highway bridge over said river; to the Committee on Interstate and Foreign Commerce.

By Mr. LOZIER: A bill (H. R. 8624) granting a pension to Elizabeth M. Humphreys; to the Committee on Pensions.

By Mr. McLEOD: A bill (H. R. 8625) granting an increase of pension to John T. Petty; to the Committee on Pensions.

By Mr. ROBINSON of Iowa: A bill (H. R. 8626) granting an increase of pension to Susan K. Bentz; to the Committee on Invalid Pensions.

By Mr. SALMON: A bill (H. R. 8627) granting an increase of pension to Anita de Garmendia Stephens; to the Committee on Pensions.

By Mr. SNYDER: A bill (H. R. 8628) granting a pension to Helen W. Cree; to the Committee on Invalid Pensions.

By Mr. SWEET: A bill (H. R. 8629) granting a pension to Elizabeth Jabas; to the Committee on Pensions.

By Mr. SWOOPE: A bill (H. R. 8630) granting an increase of pension to Ursula Bayard; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8631) granting an increase of pension to Melissa Bigler; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8632) granting a pension to Margaret Ellen Ulrich; to the Committee on Invalid Pensions.

By Mr. CABLE: A bill (H. R. 8633) granting a pension to Sarah L. Shill; to the Committee on Invalid Pensions.

By Mr. CANFIELD: A bill (H. R. 8634) granting a pension to Mary O. Shaw; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

2354. By Mr. BARBOUR: Petition of M. E. Rinehart and Mrs. L. M. Rinehart, of Oakdale, Calif., protesting against any and all amendments to the Federal prohibition act; to the Committee on the Judiciary.

2355. By Mr. GALLIVAN: Petition of Master House Painters and Decorators' Association, Somerville, Mass., recommending early and favorable consideration of the Ladd pure paint bill; to the Committee on Interstate and Foreign Commerce.

2356. Also, petition of Thayer Foss Co., Boston, Mass., protesting against any reduction in appropriation for Bureau of Foreign and Domestic Commerce, as recommended by Director of the Budget; to the Committee on Appropriations.

2357. Also, petition of Miss Annie M. Butler, 84 Seldon Street, Dorchester, Mass., recommending favorable consideration of the Dill radio bill; to the Committee on the Merchant Marine and Fisheries.

2358. Also, petition of Franklin M. Hull, superintendent of construction United States public buildings, Boston, Mass., recommending early and favorable consideration of House bill 6896, entitled "An act to amend the act for the classification of civilian positions within the District of Columbia and in the field services"; to the Committee on the Civil Service.

2359. By Mr. GARBER: Petition of citizens of Dacoma, Okla., indorsing and urging passage of the Dill bill regarding free radio service; to the Committee on the Merchant Marine and Fisheries.

2360. Also, petition of citizens of Ringwood, Okla., urging passage of Dill bill regarding free radio service; to the Committee on the Merchant Marine and Fisheries.

2361. By Mr. GARRETT of Tennessee: Petition of citizens of the ninth congressional district of Tennessee, favoring the Johnson immigration bill and the 1890 basis; to the Committee on Immigration and Naturalization.

2362. By Mr. HUDSON: Petition of the citizens of Flint, Mich., favoring drastic restrictions of immigration legislation and that the quota of 1890 be used as a basis for determining the number of aliens to be admitted; to the Committee on Immigration and Naturalization.

2363. Also, petition favoring the passage of immigration legislation and the fixing of the quota to be based on the census of 1890; to the Committee on Immigration and Naturalization.

2364. Also, petition of several hundred citizens of Flint, Mich., urging a stricter enforcement of the immigration laws of the United States; to the Committee on Immigration and Naturalization.

2365. By Mr. KING: Petition of W. D. Sherrill and 20 other voters of Henry County, Ill., demanding drastic restriction of immigration; to the Committte on Immigration and Naturalization.

2366. Also, petition of Mr. Fred A. Uhland and 15 other citizens of Payson, Ill., in behalf of the McNary-Haugen bill; to the Committee on Agriculture.

2367. Also, petition of F. J. Demaranville and 14 other citizens of Atkinson, Ill., demanding drastic restriction of immigration; to the Committee on Immigration and Naturalization.

2368. Also, petition of Funston Camp No. 101, Spanish War Veterans, of Quincy, Ill., in support of House bill 5394; to the Committee on Pensions.

2369. Also, petition of Harry Gehring, president, and 20 members of the Knox County, Ill., Farm Bureau, favoring the McNary-Haugen bill; to the Committee on Agriculture.

2370. By Mr. PERKINS: Petition of Miss Carrie Dufford, Washington, N. J., comprising 63 signatures, protesting against legislation to amend the Federal prohibition act to legalize alcoholic content of 2.75 per cent in beverages; to the Committee on the Judiciary.

2371. By Mr. RAINEY: Petition of Waverly, Ill., maintenance of way and railway shop laborers, favoring the Howell-Barkley bill; to the Committee on Interstate and Foreign Commerce.

2372. Also, petition of Philathea Class, Jerseyville Methodist Episcopal Sunday School, against legalizing 2.75 per cent beer; to the Committee on the Judiciary.

2373. By Mr. ROUSE: Petition of citizens of Covington, Kenton County, Ky., indorsing the immigration bill; to the Committee on Immigration and Naturalization.

2374. By Mr. THOMPSON: Petition of 61 citizens of Delta, Ohio, protesting against an increase of parcel-post rates; to the Committee on the Post Office and Post Roads.

2375. By Mr. WERTZ: Petition of citizens of the twentieth congressional district of Pennsylvania, against immigration restriction; to the Committee on Immigration and Naturalization.

2376. Also, petition of citizens of the twentieth congressional district of Pennsylvania, favoring restrictive immigration; to the Committee on Immigration and Naturalization.

SENATE

SATURDAY, *April 12, 1924*

(Legislative day of Thursday, April 10, 1924)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

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

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

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

Adams	Ernst	Kendrick	Shields
Ashurst	Fernald	Keyes	Shipstead
Ball	Ferris	King	Shortridge
Bayard	Fess	Ladd	Simmons
Borah	Fletcher	McKellar	Smith
Brandegee	Frazier	McKinley	Smoot
Broussard	George	McNary	Spencer
Bruce	Gerry	Mayfield	Stephens
Bursum	Glass	Moses	Sterling
Cameron	Gooding	Neely	Swanson
Capper	Hale	Norris	Trammell
Caraway	Harreld	Oddie	Underwood
Colt	Harris	Overman	Wadsworth
Copeland	Harrison	Phipps	Walsh, Mass.
Cummins	Heflin	Pittman	Walsh, Mont.
Curtis	Howell	Ralston	Warren
Dale	Johnson, Calif.	Reed, Mo.	Watson
Dial	Johnson, Minn.	Reed, Pa.	Weller
Dill	Jones, N. Mex.	Robinson	Willis
Edge	Jones, Wash.	Sheppard	

Mr. CURTIS. I wish to announce that the Senator from Wisconsin [Mr. LENROOT] is absent owing to illness. I ask that this announcement may stand for the day.

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

INDEPENDENT OFFICES APPROPRIATIONS

Mr. REED of Pennsylvania. I ask that Senate bill 2576, the unfinished business, be temporarily laid aside and that the Senate proceed to the consideration of House bill 8233, the independent offices appropriation bill.

The PRESIDENT pro tempore. Is there objection? The Chair hears none; and the Senate, as in Committee of the Whole, resumes the consideration of the appropriation bill.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Haltigan, one of its clerks, announced that the House insisted on its amendment to the bill (S. 1631) to authorize the deferring of payment of reclamation charges, disagreed to by the Senate; agreed to the conference requested by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. SMITH, Mr. SINNOTT, and Mr. HAYDEN were appointed managers on the part of the House at the conference.