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.

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

ENROLLED BILLS SIGNED

The message also announced that the Speaker of the House had signed enrolled bills of the following titles, and they were thereupon signed by the President pro tempore:

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; and

S. 2597. An act to authorize the construction of a bridge across the Fox River in St. Charles Township, Kane County, Ill.

PETITIONS AND MEMORIALS

Mr. WARREN presented a petition of sundry citizens of Green River, Wyo., praying for the passage of restrictive immigration legislation with percentage quotas based on the 1890 census, which was ordered to lie on the table.

He also presented resolutions adopted by Riverton Chapter, No. 1, Order of the Eastern Star, at Riverton, Wyo., favoring the passage of restrictive immigration legislation with percentage quotas based on the 1890 census, which were ordered to lie on the table.

Mr. SHEPPARD presented a resolution of the El Paso (Tex.) Chamber of Commerce, favoring the passage of the so-called Sheppard bill, to explore the potash resources of the United States, which was referred to the Committee on Agriculture and Forestry.

Mr. WILLIS presented petitions, numerously signed, of sundry citizens of Chillicothe and vicinity, Greenville, Arcanum, Kossburg, Union City, Versailles, New Weston, and Ansonia, all in the State of Ohio, praying for the passage of restrictive immigration legislation with quotas based on the 1890 census, which were referred to the Committee on Immigration.

He also presented a petition, numerously signed, of sundry citizens of Hocking County, Ohio, praying for the passage of stringently restrictive immigration legislation, which was referred to the Committee on Immigration.

Mr. ROBINSON presented a telegram, in the nature of a memorial, from sundry citizens of Lonoke, Ark., remonstrating against the passage of legislation imposing a tax on transmitting and receiving radio sets, which was referred to the Committee on Finance.

He also presented a letter in the nature of a petition from Mrs. R. J. Muller, of Castle Hill, Monticello, N. Y., praying for the passage of House joint resolution 180, for the relief of the distressed and starving women and children of Germany, which was referred to the Committee on Foreign Relations.

He also presented a letter in the nature of a petition from Mrs. Robert E. Speer, president, National Board of the Young Women's Christian Association, of New York, N. Y., praying that the Foreign Relations Committee report favorably the resolution for the adherence of the United States to the Permanent Court of International Justice with reservations suggested by Secretary Hughes, which was referred to the Committee on Foreign Relations.

TAX REDUCTION

Mr. SMOOT. I ask unanimous consent at this time to submit a report from the Finance Committee.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and the report will be received.

Mr. SMOOT. From the Committee on Finance I submit the report of the majority of the committee upon the bill (H. R. 6715) to reduce and equalize taxation, to provide revenue, and for other purposes, heretofore reported favorably with amendments.

I simply want to call the attention of the Senate to the fact that I have tried to cover in the report every point in which the existing law is changed and also to give estimates as to the revenue changes made, as well as the revenue under existing law. I hope Senators will take time to read the report. [Report No. 398.]

Mr. JONES of New Mexico. Mr. President, I simply want to state that the minority of the committee are not yet ready to submit the views of the minority on the revenue bill to the Senate. The views of the minority will be filed at the earliest practicable date, some time the early part of next week. I wanted to make this statement so that it may be understood that there will be a minority report filed.

Mr. SMOOT. I will say to the Senator from New Mexico that I do not intend to ask for the printing of extra copies of the committee report until the minority report is filed, and then if it is the wish of the Senate we can have extra copies printed containing both reports.

Mr. JONES of New Mexico. That is quite satisfactory.

ADJUSTED COMPENSATION OF WORLD WAR VETERANS

Mr. SMOOT. I am in receipt of a letter from Gen. Frank T. Hines, Director of the United States Veterans' Bureau, dated April 9, 1924, and at the direction of the Finance Committee I ask that the letter be printed in the RECORD.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

The letter is as follows:

UNITED STATES VETERANS' BUREAU,
OFFICE OF THE DIRECTOR,
Washington, April 9, 1924.

Hon. REED SMOOT,
Chairman of the Senate Finance Committee,
United States Senate, Washington, D. C.

MY DEAR SENATOR SMOOT: My attention has been directed to the fact that statements have been appearing in the press to the effect that adjusted-service certificates as provided by H. R. 7959 would be issued for a maximum amount of $1,900 for veterans of overseas service and $1,400 the maximum amount to those without overseas service. The maximum amount provided by the bill for overseas service is approximately $1,600 and approximately $1,300 for those without overseas service.

The Ways and Means Committee had prepared a table of factors for the purpose of determining the value of the adjusted-service certificates. Multiplying the amount of the adjusted-service credit by the factor determines the amount of the adjusted-service certificate; therefore the factor includes the 25 per cent increase of the adjusted-service credit, but apparently in many of the articles appearing in the press the adjusted-service credit is increased by 25 per cent and then multiplied by the factor, thus introducing the increase of 25 per cent twice.

I know that you appreciate if this bill becomes a law, and such erroneous information is not corrected, it will cause much disappointment and make it difficult for the Government to explain satisfactorily why the certificates are so much less than the veterans were led to believe they would be, and because of this I am referring the matter for your consideration, and also to the chairman of the Ways and Means Committee of the House.

Very truly yours,

FRANK T. HINES, *Director.*

BILLS INTRODUCED

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

By Mr. DIAL:

A bill (S. 3084) to enlarge the fish-cultural station at Orangeburg, S. C.; to the Committee on Commerce.

A bill (S. 3085) for the relief of John C. Hanegan, jr.; to the Committee on Claims.

By Mr. EDGE:

A bill (S. 3086) for the relief of William E. Andrew; to the Committee on Claims.

By Mr. SPENCER:

A bill (S. 3087) to provide for the acquisition of a site and the erection thereon of a public building at Concordia, Mo.; to the Committee on Public Buildings and Grounds.

A bill (S. 3088) granting an increase of pension to George Nash (with accompanying papers); to the Committee on Pensions.

By Mr. McKINLEY:

A bill (S. 3089) granting an increase of pension to Lucy C. Adams; to the Committee on Pensions.

A bill (S. 3090) for the relief of Palestine Troup; to the Committee on Military Affairs.

By Mr. McNARY:

A bill (S. 3091) declaring an emergency in respect of certain agricultural commodities, to promote equality between agricultural commodities and other commodities, and for other purposes; to the Committee on Agriculture and Forestry.

By Mr. McKELLAR:

A bill (S. 3092) to reimburse Horace A. Choumard, chaplain in Twenty-third Infantry, for loss of certain personal property; to the Committee on Claims.

By Mr. CAMERON:

A bill (S. 3093) granting certain public lands to the city of Phoenix, Ariz., for municipal, park, recreation, playground, or public convenience purposes; to the Committee on Public Lands and Surveys.

LIMITATION OF ARMAMENTS

Mr. KING. I introduce a joint resolution and ask that it be referred to the Committee on Foreign Relations and printed in the RECORD.

The joint resolution (S. J. Res. 113) authorizing the President of the United States to appoint a commission to cooperate with the Permanent Advisory Commission of the League of Nations for the limitation of military, naval, and air arma-

ments, was read twice by its title, and referred to the Committee on Foreign Relations and ordered to be printed in the RECORD, as follows:

Whereas the League of Nations has constituted a Permanent Advisory Commission for the consideration of questions affecting military, naval, and air armaments; and

Whereas said commission has under consideration the formulation of a draft convention for the limitation of military, naval, and air armaments, to which it is proposed all nations shall be signatory; and

Whereas the Council of the Leage of Nations, upon the recommendation of said Permanent Advisory Commission on military, naval, and air questions, has invited the Government of the United States to name representatives to sit with the commission in a consultative capacity during its study of questions affecting the reduction of armaments; and

Whereas the Government of the United States is committed to the principle of the elimination of the provocation to war, which is caused by the maintenance of large and unnecessary national armaments: Now, therefore, be it

Resolved, etc., That the President is authorized to appoint, by and with the advice and consent of the Senate, a commission of five representatives to sit in a consultative capacity with the Permanent Advisory Commission of the League of Nations on military, naval, and air questions, and to advise with said commission with respect to the formulation of a draft convention to which all nations shall be signatory, to effectuate the reduction and limitation of military, naval, and air armaments.

VALIDATION OF CERTAIN PUBLIC LAND ENTRIES

Mr. LADD submitted an amendment intended to be proposed by him to the bill (S. 2975) validating certain applications for and entries of public lands, and for other purposes, which was referred to the Committee on Public Lands and Surveys and ordered to be printed.

AMENDMENT TO AGRICULTURAL DEPARTMENT APPROPRIATION BILL

Mr. OVERMAN submitted an amendment proposing to appropriate $30,000 for a reconnaissance of the chestnut-bark disease with reference to protecting the potential supply of tanning materials and other chestnut products and for the investigation of related problems with a view to the perpetuation of the supply of raw tanning materials, intended to be proposed by him to House bill 7220, the Agricultural Department appropriation bill, which was referred to the Committee on Agriculture and Forestry and ordered to be printed.

AMENDMENTS TO NAVAL APPROPRIATION BILL

Mr. JONES of Washington submitted three amendments intended to be proposed by him to House bill 6820, the naval appropriation bill, which were ordered to lie on the table and to be printed, as follows:

At the proper places in the bill to insert:

"Quay wall, extension (limit of cost $300,000), $150,000;

"Repair and fitting out pier (limit of cost, $1,190,000), $250,000."

At the proper place under the appropriations for the Naval Observatory to insert:

"Expenses in preparing for and conducting observations of total solar eclipse of January 24, 1925, $3,500."

WILLIAM E. ANDREW

Mr. EDGE submitted the following resolution (S. Res. 212), which was referred to the Committee on Claims:

Resolved, That the bill (S. 3086) entitled "A bill for the relief of William E. Andrew," now pending in the Senate, together with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims in pursuance of the provisions of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary, approved March 3, 1911," and the said court shall proceed with the same in accordance with the provisions of such act and report to the Senate in accordance therewith.

INVESTIGATION OF INTERNAL REVENUE BUREAU

The PRESIDENT pro tempore. The Chair desires at this time to dispose of the resolution offered on yesterday by the Senator from New Mexico [Mr. JONES]. At the time it was submitted the Chair was in doubt as to whether it must be referred to the Committee to Audit and Control the Contingent Expenses of the Senate. An examination of the original resolution under which the investigation is being carried on has convinced the Chair that the resolution submitted yesterday must be referred to that committee.

The resolution (S. Res. 211) submitted yesterday by Mr. JONES of New Mexico was referred to the Committee to Audit and Control the Contingent Expenses of the Senate, 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.

THE PRIMARY

Mr. BORAH. I ask permission to have inserted in the RECORD an article by the Senator from Nebraska [Mr. NORRIS], which was printed in the Locomotive Engineers' Journal, entitled "The primary."

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

The article referred to is as follows:

THE PRIMARY

(By GEORGE W. NORRIS)

Our Government is founded upon the theory that the people are sufficiently intelligent to control their own Government. The argument I shall make is based upon the truth of this assumption. The primary is simply a method by which the will of the people can be ascertained in the selection of those who shall make and administer the laws under which all of the people must live. There is nothing sacred about it. If a better method can be devised, I would not hesitate to abandon it and throw it aside. Neither will I claim that it is perfect. It has many weaknesses and imperfections. Until we can find a better system we ought to devote our energies toward its improvement by making whatever amendments experience demonstrates are necessary, always having in view the fundamental principle that we are trying to devise a plan by which the people will come, as nearly as possible, into the control of their own Government. We must not expect perfection. We can not hope to devise a plan that will make it impossible for mistakes to occur. We can not by law change human nature. Selfish, designing, and even dishonest men will sometimes be able to deceive a majority of the people, however intelligent and careful they may be. Every government, whatever may be the system of nominating candidates for office, ought to provide by law for the recall of its officials by the people. If the people should make a mistake, they will correct it. If a public servant has been faithful and true to his trust, it will not be necessary for him to seek the approval of party bosses and machine politicians for his own vindication. The primary is, in fact, a part of the system of our election machinery. It is just as important, and often more important, than the official election which follows. A people who are qualified to vote for candidates at the general election are likewise qualified to select those candidates at the primary election. It requires no more intelligence to vote at the primary election than it does at the regular election. To deny to the citizens the right to select candidates and to confine his suffrage rights solely to a decision as between candidates after they have been selected is, in reality, at least a partial denial of the right of suffrage. It very often means that the voter is given the right only to decide between two evils. The right, therefore, to select candidates is fundamental in a free government, and whenever this right is denied or curtailed the government is being placed beyond the control of the people.

OBJECTIONS TO THE PRIMARY

No better defense can be made of the primary than to consider the objections that are made to it. In doing this it must be remembered that up to this time we have had but two systems. One is the old convention system and the other is the newer and more modern system of the primary. Those who were opposed to the primary advocate the return to the convention system, and in doing this they point out various objections to the primary which, they argue, are sufficient to discard it. It is my purpose now to consider some of these objections. Some of them, instead of being objections to the primary, are in reality arguments in its favor. Other objections made are only partially sound, while some of them are untrue in fact. If we are seeking better government and have no ulterior motive whatever, we ought to be constructive in our criticism. This I shall try my best to do. I am seeking to find the best system of nominating candidates. I would be glad if we could devise a perfect system, without any faults or defects, but I know this is an impossibility. The defects of the primary system, even in its crude state, are so much less than the wrongs and evils of the convention system that an intelligent people will not hesitate to adopt it rather than the long used and universally condemned convention system, and devote their energies in a fair and honest way to the enactment of laws that shall as far as possible eliminate the defects of the primary.

DOES THE PRIMARY LOWER PARTY RESPONSIBILITY AND DECREASE THE PARTY SPIRIT

One of the objections that is always made to the primary is that it takes away party responsibility and breaks down party control. This objection is perhaps the most important of any that is made against the primary. Politicians, political bosses, corporations, and combinations seeking special privilege and exceptional favor at the hands of legislatures and executive officials always urge this as the first reason

why the primary should be abolished. It is, in fact, the main objection of the primary. Other objections are made, it is true, but most of them are in some form subsidiary to this one, and are made in the main for the purpose of controlling the action of people who would not be influenced by the real reason. But this reason thus given against the primary I frankly offer as one of the best reasons for its retention.

The primary will lower party responsibility. In its stead it establishes individual responsibility. It does lessen allegiance to party and increases individual independence, both as to the public official and as to the private citizen. It takes away the power of the party leader or boss and places the responsibility for control upon the individual. It lessens party spirit and decreases partisanship. These are some of the reasons why the primary should be retained and extended. Partisanship and party spirit are among the greatest evils of our Government to-day. In every free country where we are desirous of putting the will of the people into law every public official from the President down should, in the performance of every official duty, be guided solely and entirely by his own individual and conscientious conviction as to what is right and what is wrong. He ought to be entirely free from any coercion by a party leader or a party caucus. Experience has shown that it is through the instrumentality of party caucuses and the demands of so-called alleged party leaders that special interests and selfish combinations have been enabled to bring about the enactment of selfish legislation favorable to their own interests and detrimental to the people at large. A party is only an instrumentality of government. Whenever through party control a public official casts any vote or performs any official act that is not in harmony with his own conscientious convictions then the party spirit has become an instrument of injury to the body politic rather than a blessing. Laws enacted through such influences not only do not express the wishes and the will of the citizenship but it is in this way that bad laws are placed upon the statute book and good laws are often defeated. A public official should, in the performance of his official duties, be entirely nonpartisan. Whenever he is otherwise he is in reality placing his party above country. He is doing what he conscientiously believes to be wrong with the people at large in order that he may be right with his party. The abolishment of party spirit would be a great blessing to the country. It would give us public officials more faithful to their duty and come nearer placing the people in control of their own Government. At best the pledges of party made in platforms are usually glittering generalities made for the purpose of deceiving the voter and have no controlling influence after the election.

The partisan overlooks and covers up deficiencies whenever they come from failure of members of his party, while he condemns in the severest of terms every act that in his judgment is wrong when committed by an adherent of the other party. "Vote the ticket straight" is a slogan founded on party spirit that has done more damage to good government than almost any other one thing. It is the duty of every public official, as well as every private citizen, to expose wrong or evil and to commend honest and righteous official conduct, regardless of the party in which such things are found. Party spirit and party loyalty tend to conceal the wrong in one party and expose it only when it exists in the other party, and for the same reason patriotic and righteous conduct is given its proper regard and praise only when it exists in the party of which the partisan advocate is a member.

The country owes most of its progress to the independent voter, and it is a subject of great congratulation that his number is increasing at a wonderfully rapid rate. Partisanship blinds not only the public official but the ordinary citizen and tends to lead them away from good government. In a Republican stronghold the machine politician deceives the people by asserting that he is an Abraham Lincoln Republican, while in the Democratic locality the same class official seeks to curry public favor by claiming a political relationship to Thomas Jefferson. It is the party spirit that enabes these men to cover up their shortcomings. It is the party spirit on the part of the voter that causes him to be moved by such appeals. Party allegiance and party control, if carried to its logical end, would eliminate the independent voter entirely; and, incidentally, it ought to be said that the independent voter is always condemned by the politicians and those in control of political parties. The Member of Congress or of a State legislature who votes independently according to the dictates of his conscience, and who refuses to change his course from party considerations, becomes to some extent a political outcast; and yet every honest citizen who will give fair consideration to the subject must admit that it is to this independent official that the country owes the most of its progress. Party spirit would prevent the scratching of the ticket and, to carry the theory to its logical end, there would be no use in printing anything on the official ballot excepting the names of the political parties. This would give us a short ballot with a vengeance. It is, however, the logical end if those who oppose the primary because it does away with party responsibility could have their way; and eventually the people would find themselves disfranchised and their Government turned over to the powers and the combinations able to manipulate and control political conventions.

The primary is comparatively new. The one reason more than any other that brought it into life was the evil in our Government that came from the spirit of party. This evil grew from a small beginning and gradually increased until it pervaded and controlled our Government. The means through which this evil spirit could most successfully work was the party convention. Its danger was seen long before it had reached a point where its evil was felt. Its demoralizing influence upon popular Government was forcibly predicted by George Washington. He warned his countrymen "in the most solemn manner against the baneful effects of the spirit of party generally." In speaking of party spirit, in his Farewell Address, he said:

> "It exists under different shapes in all governments, more or less stifled, controlled, or repressed; but in those of the popular form it is seen in its greatest rankness, and is truly their worst enemy.
>
> "The alternate domination of one faction over another, sharpened by the spirit of revenge natural to party dissension, which in different ages and countries has perpetrated the most horrid enormities, is itself a frightful despotism. But this leads at length to a more formal and permanent despotism. The disorders and miseries which result gradually incline the minds of men to seek security and repose in the absolute power of an individual; and, sooner or later, the chief of some prevailing faction, more able or more fortunate than his competitors, turns this disposition to the purpose of his own elevation on the ruins of public liberty."

He declared it not only to the interest but the duty of a wise people to discourage and to restrain the party spirit. Again he said:

> "* * * and in governments of a monarchial cast, patriotism may look with indulgence, if not with favor, upon the spirit of party. But in those of the popular character, in governments purely elective, it is a spirit not to be encouraged. From their natural tendency, it is certain there will always be enough of that spirit for every salutary purpose. And there being constant danger of excess, the effort ought to be, by force of public opinion, to mitigate and assuage it. A fire not to be quenched, it demands a uniform vigilance to prevent it bursting into a flame, lest instead of warning, it should consume."

The primary does not seek the destruction of party, but it places its control directly in the hands of the voter. It lowers party responsibility, and to a certain extent takes away party government by placing country above party. If the primary had done nothing more than the one thing of substituting individual responsibility for party responsibility, and thus doing away with party control, it would have given sufficient reason for its existence, even though all of the other objections that are urged against it were true. But who, after all, fixes the responsibility of party? Is it the national convention, with its wearisome eulogies of one party, its biased and prejudiced condemnations of another party, and its beautiful statements of pledges in glittering generalities? Is it the self-appointed titular head of the party, who gives his orders to sublieutenants of his own choosing, who in turn, convey the information to the Members of Congress? Is it the rank and file who have made the noise and kept up the enthusiasm in favor of candidates that somebody else selected for them? Or, is it the representatives of combinations and special interests who have furnished the money to oil the great machinery while the campaign was on? It is an open secret that national platforms are made to get in on and have no other purpose for their existence. We have seen one party after another disregard and violate the pledges and promises contained in a platform. The wishes and the expectations of the people who did the marching and the shouting during the campaign are entirely forgotten, and when we think how the ordinary national convention is constituted and controlled, we ought to expect no better results. With a few exceptions, national conventions have been but instrumentalities of political machines and special interests that expected to secure legislative or executive favor in case the party succeeded at the election. The delegates are regaled with oratorical description of party heroes and party accomplishments, and by other artificial instrumentalities of enthusiasm until they are in a condition of wearisome irresponsibility, and then the program mapped out in secret by their managers is put across. With the conventions of the two dominant parties thus controlled—one by a sick man in Philadelphia and the other by a sick man in the White House, there is nothing left to the people except to furnish the noise and make a choice between two evils. Whatever party responsibility this may bring about, it is certainly not conducive toward popular government and does not in any degree provide for a government by the people; yet this is the kind of party responsibility that advocates of the convention system desire to retain, and condemn the primary because it does away with it.

It is true that the candidate for President of the successful party has a great deal to do with mapping out the course of his party after

he is elected and installed into office. But why should a President become a titular head of his party when he gets into the White House? Ostensibly, under the convention system, he is a servant of his party, and he should not arrogate to himself the autocratic monarchial prerogative of deciding what the policy of a great political party should be. Under our system of government the President ought not be the head of a party. He ought to be nonpartisan in the administration of his office. Party spirit in him ought to cease when he takes the oath of office, and he should become the leader of the country rather than the leader of a party. Again this system places party above country, and we find the head of the Government devoting a great deal of his time in official life to carrying out the pledges that were made by his party managers when they made the trades necessary at the national convention to secure the nomination. The people who pay the taxes, foot the bill in the end, in order to pay the expenses that the convention system has engrafted upon the country, and too often this titular head of the party in power maps out a course of legislation for his subordinate party men to carry out, that will redeem by legislative enactment promises that were made at the convention and during the campaign to the combinations of corporations and men who behind the scenes have mapped out the course of the party. Party responsibility, so far as there is any such thing, is too often outlined and laid down at secret conferences, controlled by men and combinations with selfish objects of their own to accomplish and without any thought of the welfare of the country or of the rank and file of the party. The abolition of the convention and the substitution of the primary would go a long way toward remedying this evil; and it is because this is known to be true that politicians and other interests are clamoring so strongly to preserve the convention system, which they claim and everybody else knows will retain the spirit and the control of party.

Party responsibility is more or less a myth. Party regularity is passed upon by self-appointed leaders who have no authority whatever delegated to them by the rank and file to fix party responsibility, and to be a good party man one must always be ready to obey. The partisan spirit means that the individual must not think at all until somebody else has told him how. At least, if he finds himself helpless and exercising the faculty of thinking, he must not express himself until somewhere, some place, the alleged leaders of the party have decided for what the party shall stand. The primary puts the responsibility of thinking and acting upon the individual citizen. The more he thinks and the longer he acts the wiser will be his judgment and the better and the happier will be the people who are thus governed.

DOES THE PRIMARY GIVE THE NEWSPAPERS TOO MUCH POWER

Another objection made to the primary is that it results in giving control over nominations to the newspapers. There is no doubt but what the primary increases the influence and power of some newspapers. The newspaper that is true to its name gives first of all the news—unbiased, uncensored, and unprejudiced—and whose editorial policy is open and fair will have its influence in political matters increased by the primary. This, however, is a good rather than a bad thing. The newspaper that publishes the truth and gives a true report of political news ought to have its power and its influence increased. The increase of influence on the part of such instrumentalities will tend toward a more intelligent selection of candidates, and therefore should be encouraged rather than condemned. The newspaper that shades the news in a way that will carry out its own policies, or which permits its editorial policy to be controlled by its advertising revenues, will soon lose its influence. An intelligent electorate passes judgment upon the newspaper as rapidly as it passes judgment upon a public man. The person who does not realize the discriminating power of the American voter in the news which he gathers mainly through the daily press has misjudged the American people. The dishonest newspaper is as quickly detected as the dishonest citizen. A newspaper filled with political advertisements can do but little if any good for the candidate who advertises in its columns. It does not follow, of course, that because a newspaper accepts political advertising it is necessarily influenced or becomes biased in its editorial policy, but the acceptance of such advertising always casts a doubt upon the policy of the newspaper if it is editorially boosting those who advertise in it. Political newspaper advertising is of very doubtful value, either to the candidate or the newspaper, but if there be any danger in it, it can easily be remedied by the passage of the proper laws. Such, for instance, as would require the statement that the matter is political advertising, what is paid for it, and by whom paid. The country has had many remarkable examples, both in the primary and in the election, where the people have disregarded the admonition of practically all the newspapers and voted contrary to such admonitions. Publicity of campaign contributions will, if not completely cure whatever evil exists, go a long way toward its alleviation.

DOES THE PRIMARY INCREASE THE EXPENSE OF A CAMPAIGN

Another objection made to the primary is that it extends the campaign over an unnecessarily long time, and it is for that reason, and others, too expensive. It is probably true that in actual practice the primary extends the time of the campaign, although there is no limit of time that a candidate for office can spend in his campaign. He can put in all his time if he desires, whether he is campaigning for a nomination at a primary or for a nomination at the hands of a convention.

The advocates of the convention system claim that the convention is as representative of all the people as the primary. If this be true, then it will require as much time to secure a nomination at a convention as it would at a primary. If the convention is really representative of all the people, and carries out the wishes of the people, then the campaign in one case would be as long as in the other. The candidate, to get the nomination, would undertake to reach as many voters as possible, the difference being that in the case of the primary, when he had convinced the voter, he would have nothing further to do, while in the case of a convention nomination, he would first convince the voter, in order that the voter might select a favorable delegate, and then put in a lot more time to see that the delegate carried out the wishes of those whom he represented. The result, therefore, so far as time is concerned, would be favorable to the primary. Of course, everybody knows this is not what actually occurs in the case of the convention system. The bosses who control conventions are the only ones necessary to secure the nomination. They manipulate the convention so as to bring about the desired result.

In actual practice it has been demonstrated that the primary is not expensive. The expenditure of enormous sums of money to secure the nomination deserves righteous condemnation, and there have been many glaring incidents where this condemnation has taken place. There is no doubt but that there are many cases both in the primary and under the convention system, and likewise at the election, where the expenditure of large sums of money have been instrumental, and in some cases the predominating influence, in securing nominations and elections. It is an evil that I do not believe can be entirely eliminated, but it is not confined to the primary. It applies equally to the convention and to the general election. The man with money has an advantage over the poor man.

This is true in politics as it is in business. The remedy lies in the enactment of stringent corrupt practice acts. The law should limit the expenditure of money for the purpose of securing nominations, either at a primary or at a convention. It should prohibit expressly the expenditure of money for some of the practices indulged in. It should provide for the most complete publicity of all expenditures. These publications should take place both before and after the election. The violation of any of these laws should make the nomination or the election absolutely void. Political advertisements should, in my judgment, be prohibited by law. Contributions to religious and charitable institutions should likewise be prohibited. Proper criminal penalties for violation of the law should be provided. It should perhaps be made the duty of some specific official to prosecute violations of this statute not only against the successful candidate, if he is properly charged, but in the same way against any other condidate at the primary, before the convention, or at the election. One of the difficulties with this kind of statute has been that prosecuting officials have not been called upon to act, especially against the man who has been defeated; and it sometimes happens that the defeated candidate, being as guilty as the successful one, is so anxious to cover up his own violation of law that he is therefore not in very good condition to prosecute his opponent.

It might be a good precautionary measure to provide by law not only that reports shall be made but that candidates, officers of committees, and managers of campaigns should be required to submit themselves to cross-examination upon the filing of such reports with a view of uncovering any violation of law that might have taken place. One of the difficulties in the enforcement of such laws at the present time is the party spirit and party responsibility. Where both parties are guilty it is difficult to get anyone to father the responsibility for a prosecution. If party responsibility were eliminated and party regularity not considered almost a divine attribute, many of these illegal acts would be brought to light that are otherwise concealed and covered up.

Complete publicity will go a long way toward relieving the evil. The intelligent citizen revolts at the expenditure of large sums of money for the purpose of controlling elections, either primary or general, and the people themselves will do a great deal toward punishing those who are guilty of the offense. The expenditure of large sums of money in any honest campaign is not necessary. The intelligent citizen knows this and he will condemn the man who indulges in it. From my personal acquaintance with public officials, I am satisfied that the primary has been instrumental in putting more poor men into office than the convention system. I have no doubt of the truth of this statement. I think the United States Senate is a demonstration of this proposition. There are a great many Members of that body whom I could name who would not be there if it were not for the primary and most of them are poor. I have no doubt, if the truth were really known, that candidates for office have spent more money under the convention system than under the primary. But that is not the only recommendation of the primary nor the only objection to the conven-

tion method. The public official who has to be nominated at a convention knows very well that in order to retain his place he must become a part if not the head of a political machine. He must keep this machine oiled all the time he is in office. He must obey the mandates of those above him in order to secure his share of patronage, and he must use this patronage to build up his machine. In other words, he trades the public office for political support. It costs no small amount to keep this machine oiled. He must either pay it himself or become obligated officially to some one who does. The result of it all is that the public gets the worst of the deal. Appointees are selected entirely upon their ability to control the politics of their communities and not with regard to their qualifications for office. We have, therefore, poorer government at a greater expense. The public are paying the salaries of incompetent men who use their official positions to keep the machine in control. On the other hand, the public official who depends upon the primary for election is responsible to the rank and file of the people themselves. He can defy the machine and take the question directly to the people, and if he possesses the courage of his convictions he will not do this in vain. This relieves him entirely during his occupancy of the office from the taking up of a large portion of his time in looking after his machine. He can devote his energies and his abilities entirely to the welfare of the country and to the official performance of his duties.

It might not be out of place in this connection to relate my own personal experience. I have been nominated several times for the House of Representatives and twice for the Senate. Both times when I was a candidate for the Senate I had very active and spirited opposition. My nominations cost me, as I remember it now, less than $500 on each of these occasions. I know that if I had undertaken to secure a nomination at the hands of a convention I would have been defeated if I had not spent many times this sum of money, and probably would have been defeated anyway. In neither of these campaigns, so far as I was able to see, was I handicapped on account of money. In looking back over it now I do not see where I could have legitimately spent more than I did.

DOES THE PRIMARY LESSEN DELIBERATION AND INTELLIGENCE IN THE SELECTION OF CANDIDATES

Another objection made to the primary is that it takes away the deliberation that the convention system affords, and that therefore the primary does not give the proper opportunity for an intelligent selection of candidates. This objection is not true. The convention does not afford any opportunity for deliberation. It is a place where trades are made and not where judicious selection of candidates is indulged in. In a State convention, for instance, where there are a large number of candidates to be nominated, a candidate having behind him the delegates of a county or a group of counties, will throw these votes anywhere to any candidate for any office except the one for which he is a candidate. The candidate who secures the nomination is the one whose manager has been the most successful in making these trades. This manager does not ask the delegates behind some candidate for some other office anything about the qualifications of their candidate. He wants to know how many votes he can get for his candidate if he will throw his delegation in favor of the candidate for some other office. No question is asked on either side as to qualifications. Political bosses are often instrumental in having candidates get into the field for some office, not because they want to nominate the candidate but because they are anxious to fill a particular office with a particular man, and they therefore try their best to get as much trading stock in the field as possible. The convention usually does its work in one day. It would be an impossibility even if delegates were seeking men with particular qualifications for particular offices for them to ascertain the truth within the short time in which a decision must be made. A political convention is anything but a deliberative body.

There are always, of course, many delegates in all conventions moved by the highest of motives and doing their best to nominate good men for all the offices, but as a general rule they are in a small minority. The convention system has been condemned by an enlightened citizenship after a long and wearisome trial. This fact is so well known and understood by the people generally that its defense is almost a waste of words. The primary system, while by no means perfect, gives much more opportunity for intelligent selection. The citizen in his own home has weeks of time to inform himself upon the qualifications of the various candidates seeking the primary nomination. He does this deliberately. He has no opportunity to make a trade. He decides the question upon what to him seems to be the best evidence. He undoubtedly often makes a mistake, and frequently does not inform himself as to all the candidates, and when he enters his booth he often finds strange names upon the ticket. As a rule, the intelligent voter, when he is thus confronted, does not vote at all for the nomination of a candidate for an office where he has not informed himself. But even if he makes a guess he will come as near being right as though the matter had been intrusted to politicians and those having a selfish interest who would do much worse than make a fair guess. As the citizen becomes used to the primary he takes greater pains to inform himself. The primary tends to educate the people. They get together and discuss the qualifications of the various candidates at the meetings of different kinds of clubs and organizations. They do this in no partisan way, but in an honest effort to secure the best nominees. This means that the electorate is constantly improving itself and, while improving itself, is improving the Government by selecting better candidates for office.

THE LENGTH OF THE BALLOT

Does the primary increase the length of the ballot? As applied to the general election the answer is "No," because it has nothing to do with and will not affect the ballot at the election. If we abolish the primary and substitute the convention, we will of course do away entirely with the primary ballot. In other words, if we had no primary there would be no ballot at all, because there would be no primary election, and in this sense the primary does increase the ballot. It is undoubtedly true that in some instances the primary ballot has been unreasonably long. This will, however, work itself out as the primary comes into more general use. If in any State experience shows that the primary ballot is too long, the matter can be remedied to some extent at least by making it a little more difficult for a candidate to have his name placed on the primary ballot. The law might, for instance, require the filing of a petition, the length of which could be changed as experience demonstrated was proper before a candidate would be permitted to have his name placed on the ballot. This objection, however, is very much exaggerated by those who oppose the primary. They pick out various instances here and there, where there have been a large number of candidates. As a rule, especially for the important offices, there are comparatively few candidates. Where there are a great many candidates, the primary has advantages over the convention system, because there is more time given to investigation and making a satisfactory selection. The delegate who comes to a convention and finds, for instance, that there are a dozen candidates for some office, has but a few hours in which to decide. There are likely to be just as many candidates before a convention as there are before a primary, and the candidate before a convention may become such candidate on the very eve of the assembling of the convention. Even if the delegate is not tied to some candidate for some office and is only trying to do his best to select the proper man he will find himself greatly handicapped not only as to time but as to information. At least the voter who has weeks of time can better decide the question for himself rather than to leave it to a delegate who has neither time nor fair opportunity.

PRIMARY SOMETIMES RESULTS IN MINORITY NOMINEE

Another objection urged against the primary is that sometimes the nominee does not receive a majority of all of the votes. This is true. It is a defect that ought to be remedied, but those who urge this objection give it as one reason for abolishing the primary and going back to the convention system, and yet the same objection applies to the convention system. Who is able to say in any case that the nominee of a convention is a choice of the majority of the members of a party? There is no machinery in the convention that will disclose whether or not this is true. Why is it that those who are opposed to the primary will not be fair in their argument? If the primary should be abolished because the nominee is sometimes voted for by only a minority, then likewise, the convention should be abolished because there is no way of telling that the nominee is favored by a majority of the party. This objection applies both to the convention and to the primary. By what logic can it be urged, therefore, that the primary should be abolished and the convention reestablished. As far as I am able to see there is no way of relieving this objection as far as it applies to the convention, but there is a way of at least reducing the probability of a minority nominee in the primary. If the primary law provided that the voter could express both a first and a second choice we would have gone a long way toward the elimination of this objection. If the law provided that in case no one received a majority of all the votes cast, that the second choice of the voters as to all candidates except the highest two should be counted. This would in most every case give the expression of a majority of the voters. In my judgment, such a provision ought to be included in every primary law. Even without this provision this objection is no greater against the primary law than it is against the convention, but with it, it gives the primary a greater advantage over the convention in this respect.

PRIMARY ABOLISHED IN SOME STATES

It is alleged that the primary has been abolished in several of the States after giving it a trial. The intention seems to be to convey to the public the idea that those who have given the primary a fair and honest trial have reached the conclusion that it is not practical and that good results are not obtained therefrom, and that the people have voluntarily gone back to the convention on the theory that this system is, after all, superior to the primary. Those who offer this objection boastingly refer to New York, Idaho, South Dakota, and Nebraska as instances where the primary has been discarded and the people have returned to the old convention system. Again our opponents are unfair, again they tell only half of the truth.

In the State of New York the legislature repealed the primary law in so far as it related to State and judicial officers. The repeal was

urged very strongly by the governor. This repeal was an issue in the next election. The party that was successful in that election incorporated a plank in its platform promising to reestablish the primary if they were successful at the polls. The result was an overwhelming defeat of those who were instrumental in repealing the primary law. The governor, at whose instance this action was taken, was defeated by one of the largest majorities ever given to a governor in that State. The people spoke with no uncertain voice at the very first opportunity and overwhelmingly defeated those who were responsible for the repeal of the primary law.

In the State of Idaho, where the primary law was repealed by the legislature, the matter likewise became a leading issue in the next campaign, and as a result those who favored the reenactment of the law were successful and the next Legislature of Idaho was pledged to reenact a primary law.

South Dakota has had a very peculiar primary law. It has been repealed, modified, and reenacted several times, and as I understand it they still have a primary law with some modifications, providing for a convention as well as a primary. In my judgment, it is far from being a workable and practical law. It provides for a great deal of useless and unnecessary machinery, brought about from the fact that the law still retains the convention. Its weakness is that it does not get entirely away from the convention, but every vote that has been had in South Dakota indicates that the people are favorable to a primary, and that they will without doubt eventually secure a fair and workable law.

In Nebraska the legislature repealed the primary as it applied to part of the State officials. In that State the constitution provides for a referendum, and when this law repealing the primary was passed the proper petitions were circulated and filed by which the repeal was stayed until the matter could be referred to the people at a general election. When this general election was held the repeal of the primary by the legislature was repudiated by an overwhelming and crushing majority, so that the primary in Nebraska still stands.

I know of no State that has given the primary a fair and honest test but what it is considered by the electorate as far superior to the old convention system, and these cases that are cited by those who oppose the primary to show that the people are dissatisfied with it and have repudiated it are, in every case, so far as I know, completely answered by the people themselves. They have in every case repudiated the action of the legislature. While the people may not always be satisfied with a primary, they are nevertheless much better pleased with it than with the convention system, and there is no danger after having once tried a fair primary that an intelligent people will take a step backward to the convention. The fight for the primary has always been a bitter one. Those who advocate it have at every step had to contest the way with political machines, and all of the power and resourcefulness of those machines has been used to defeat the primary. Where they have not been successful in defeating the law they have sometimes succeeded in keeping in the law objectionable features placed there often for the sole and only purpose of making the law objectionable.

CONCLUSION

It can be safely stated that the great majority of the American people are in favor of the primary, and that politicians, men seeking a selfish advantage, political machines, and combinations of special interests constitute the vast majority of those who are opposed to it. It has some objectionable features, but upon examination it is found that practically every one of these applies with equal force to the convention. Many of these objections can be entirely eliminated as far as the primary is concerned, and practically all of them can be partially eliminated. The primary relieves the party and party machinery of a great deal of its responsibility and places this responsibility upon the individual voter. The intelligent American citizen assumes this responsibility with a firm determination of performing his full duty by informing himself upon all of the questions pertaining to government. It, therefore, results in a more intelligent electorate, and as this intelligence increases it results in better government. Experience will bring about improvement as the necessity is shown to exist by practice. It will not bring the millenium and it will not cure all of the defects of government, but it will relieve many of the admitted evils and act as a great school of education for the common citizen. The artificial enthusiasm created by the convention system which makes it easy to deceive the people will give way to the enlightened judgment of reason that will pervade the firesides and homes of a thinking patriotic people. A citizenship that is sufficiently intelligent to vote at a general election will never surrender to others the right to name the candidates at that election.

PORT OF CHARLESTON, S. C.

Mr. DIAL. Mr. President, we are making great efforts in the South to open up our ports and encourage commerce. I have a short editorial from the News and Courier, of Charleston, S. C., quoting an editorial from the Press Telegram, of Sheboygan, Wis. I desire to have the editorial printed in the RECORD.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The matter referred to is as follows:

[From The News and Courier (Charleston, S. C.), Friday, April 11, 1924]

A WESTERN VIEW OF CHARLESTON

The question has been asked repeatedly: What did the newspaper men from the Middle West who visited Charleston in February and embarked here on the U. S. S. *Henderson* think of Charleston as a port? Were they interested? Did the benefits of developing Charleston as an outlet and inlet for commerce to the Middle West impress them? These are pertinent questions. Here is the answer to them as given in a leading editorial article in the Sheboygan, Wis., Press-Telegram, of which Mr. E. C. Broughton is the editor:

"The United States, with all of its resources and its great wealth, ought to hold a commanding position in the commerce of the world, but unfortunately we have allowed other nations to undermine us.

"Immediately after the close of the war great terminal facilities, built at enormous cost to the Government, were closed in face of the fact that we need an outlet such as is offered at Charleston, S. C., and other ports.

"During the World War we shipped a large portion of our supplies and many of our soldiers from Charleston. The fact that several of our training camps were located in that section made it a point of advantage, and then, again, Charleston has harbor facilities unequaled the world over.

"These terminals have a storage capacity of 1,500,000 square feet, and, constructed of concrete and brick, are so located that hundreds of carloads of grain and other commodities can be unloaded at the water's edge at the minimum amount of expense, and from Charleston shipped to all the world. Charleston offers not only a protected harbor, but one that has a depth of over 30 feet, and holds the key for the solving of the shipping situation. Charleston is 410 miles closer to the Panama Canal and far eastern points than New York, and 215 miles closer than Hampton Roads. There is a big advantage, too, in the fact that Charleston offers a harbor south of Cape Hatteras, one of the most dangerous points on the Atlantic seaboard side, and where the greater number of marine disasters occur.

"The railroads of the country are unable to handle the grain shipments during the rush period, and still we allow these great terminal outlets to remain closed, when we could store millions of dollars worth of grain and other commodities at these points, and get away from the congested territory in the East, which is a serious drawback.

"While the people of Charleston have a keen interest in seeing the terminal facilities owned by Uncle Sam utilized, still it is not a selfish viewpoint. They have in mind that unless this great harbor is utilized, one of the best constructed of all our harbors, the welfare of the shipping industry will be seriously hampered.

"We are now at a point where we must go forward or backward; there can be no middle course. Unless we utilize the terminals and take advantage of the facilities at Charleston, then we are shortsighted.

"Anyone who has had an opportunity to visit Charleston and see the magnificent harbor, with its minimum channel width of 700 feet, and with a depth of more than 30 feet, readily realizes why it becomes a leading port for the commerce of the world, an outlet from which we can ship our supplies to every section of the globe. It is an all-year-round harbor, no ice or other conditions detrimental to shipping, and is located but a trifle over 7 miles from the open sea.

"The writer had an opportunity to visit the terminals in company with a number of the leading citizens of Charleston. It is a wonderful sight; but unfortunately they are idle, being utilized less than 10 per cent by shippers of shingles and other commodities that come through from the Pacific coast. If we allow these mammoth buildings to remain unoccupied and unused, it will only be a question of a short time when they will deteriorate and be useless. They should be utilized and kept in repair, and the people of Charleston are willing to lend financial aid. However, the bulk of the expense should be borne by the Government, for the farmers of the great Central, Middle, and North West will be the ones benefited most."

Unquestionably the views which Mr. Broughton has here expressed so clearly and so forcefully are the views which were formed by the newspaper visitors as a whole. They are the views which are shared by all who come here and study the situation and hear Charleston's story. Undoubtedly Charleston has made great progress in laying the foundations for the development here of a great port. We are

steadily gaining more and more friends who want to help us because they are convinced that we have not had a square deal in the past, who are ready to join forces with us in our fight for the freight rates to which we are entitled on every basis of right and justice and national interest. They see, too, what Mr. Broughton stresses, that the port of Charleston can be made increasingly a great national asset of incalculable benefit not only to the great industrial centers of the Middle West but above all to the farmers and to all classes of the people.

As the thought of the United States turns more and more to the development of trade with Latin-America—as it is sure to do from now on—Charleston's future as a port will expand proportionately.

PRICES OF PETROLEUM AND ITS PRODUCTS

Mr. KING. Mr. President, I have received a communication from the Governor of the State of Utah, also signed by the attorney general, dealing with the question of the increase in prices of petroleum and its products. This matter has been the subject of investigation by a committee, but my understanding is that the committee has been discharged from its consideration. With that understanding, I ask that the letter be printed in the RECORD and referred to the Committee on the Judiciary.

There being no objection, the letter was referred to the Committee on the Judiciary and ordered to be printed in the RECORD, as follows:

EXECUTIVE OFFICE, STATE OF UTAH,
Salt Lake City, April 5, 1924.

Senator WILLIAM H. KING,
Washington, D. C.

DEAR SENATOR: This communication is addressed to you as part of a nation-wide movement against the manner in which the price of petroleum and its products is controlled.

During last summer and fall considerable agitation existed all over the country relative to the price of gasoline and other petroleum products. Here in this State some investigations were conducted and it was found that gasoline could be sold here with reasonable profit for 19 cents per gallon at the then prevailing prices of crudes. The investigation further proved that the spread between the manufacturer and the consumer is altogether too great. This is due to the fact that the industry has developed an uneconomical system of marketing its products, permitting, in some cases, the extraction of an unreasonable profit. Specifically, the product passes through altogether too many hands before it reaches the consumer.

The agitation and investigations resulted in bringing the price down to 20 cents in this State, but during the last few weeks it has advanced to 26 cents, with prospects of its going still higher. The people are very much incensed over what seems to be an arbitrary raise on the part of the producers and refiners and the manner in which these prices are manipulated.

It has been decided that our local laws are inadequate to cope with the situation and most of the States find themselves in the same condition. The only immediate hope is that the Federal Government, through the Federal Trade Commission, will take hold of the matter and break up the price-fixing combination which it is very apparent exists.

Realizing the gravity of the situation and the importance of immediate action, we earnestly request that you make a special effort to find out just what the Federal Trade Commission needs in the way of increased power and additional appropriation to enable it to cope with the great corporations that appear to be controlling prices in this industry and wringing unreasonable dividends from the people out of the products of a natural resource which is rapidly being depleted and which is a common necessity.

A determined effort on the part of the Government at this time which will result in real action and accomplish something will meet with public favor. May we urge that you do all in your power along this particular line?

Yours truly,

CHAS. R. MABEY,
Governor of Utah.

HARVEY H. CLUFF,
Attorney General of Utah.

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 pending amendment of the Committee on Appropriations, being, on page 23, to strike out lines 5 to 12, inclusive.

Mr. KING. Let the amendment be read.

The PRESIDENT pro tempore. The Secretary will read the amendment.

The READING CLERK. On page 23, the committee report, to strike out line 5 to line 12, inclusive, in the following words:

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, this committee amendment has been fully discussed and I think the time has arrived when the Senate perhaps is ready to vote upon it. A vote "yea" would sustain the committee in striking out the limitation inserted by the House. I shall vote "nay" on the committee amendment, and I demand the yeas and nays upon it.

The yeas and nays were ordered, and the reading clerk proceeded to call the roll.

Mr. GLASS (when his name was called). I transfer my general pair with the junior Senator from Connecticut [Mr. McLEAN] to the junior Senator from Montana [Mr. WHEELER], and vote "nay."

Mr. NORRIS (when Mr. LA FOLLETTE's name was called). I was requested to announce that the senior Senator from Wisconsin [Mr. LA FOLLETTE] is absent on account of illness, and that if he were present he would vote "nay" on this question.

Mr. JONES of Washington (when Mr. LENROOT's name was called). I wish to announce that the junior Senator from Wisconsin [Mr. LENROOT] is absent on account of illness.

Mr. WALSH of Montana (when Mr. WHEELER's name was called). My colleague, the junior Senator from Montana [Mr. WHEELER], is absent on business of the Senate. If he were present, he would vote "nay."

The roll call was concluded.

Mr. ERNST (after having voted in the affirmative). I transfer my general pair with the senior Senator from Kentucky [Mr. STANLEY] to the senior Senator from Louisiana [Mr. RANSDELL] and let my vote stand.

Mr. REED of Missouri (after having voted in the negative). I have just been informed that I am paired on this vote with the Senator from South Dakota [Mr. NORBECK]. I do not know how that Senator would vote if present, and in his absence I am compelled to withdraw my vote.

Mr. KING (after having voted in the negative). I have a general pair with the Senator from Pennsylvania [Mr. PEPPER]. Being unable to obtain a transfer, I am compelled to withdraw my vote.

Mr. UNDERWOOD (after having voted in the negative). I have a general pair with the senior Senator from Massachusetts [Mr. LODGE], who is absent. Being unable to obtain a transfer of that pair, I am compelled to withdraw my vote.

Mr. JONES of Washington. I wish to announce that the junior Senator from Iowa [Mr. BROOKHART] is absent on business of the Senate, and that if present he would vote "nay."

The result was announced—yeas 30, nays 45, as follows:

YEAS—30

Ball	Dale	Keyes	Spencer
Bayard	Edge	McKinley	Wadsworth
Brandegee	Ernst	Moses	Warren
Broussard	Fernald	Oddie	Watson
Bursum	Fess	Phipps	Weller
Cameron	Gooding	Reed, Pa.	Willis
Colt	Hale	Shortridge	
Cummins	Jones, Wash.	Smoot	

NAYS—45

Adams	George	Ladd	Shipstead
Ashurst	Gerry	McKellar	Simmons
Borah	Glass	McNary	Smith
Bruce	Harreld	Mayfield	Stephens
Capper	Harris	Neely	Sterling
Caraway	Harrison	Norris	Swanson
Copeland	Heflin	Overman	Trammell
Dial	Howell	Pittman	Walsh, Mass.
Dill	Johnson, Calif.	Ralston	Walsh, Mont.
Ferris	Johnson, Minn.	Robinson	
Fletcher	Jones, N. Mex.	Sheppard	
Frazier	Kendrick	Shields	

NOT VOTING—21

Brookhart	King	Norbeck	Stanley
Couzens	La Follette	Owen	Underwood
Curtis	Lenroot	Pepper	Wheeler
Edwards	Lodge	Ransdell	
Elkins	McCormick	Reed, Mo.	
Greene	McLean	Stanfield	

So the committee amendment was rejected.

The PRESIDENT pro tempore. The Secretary will continue the reading of the bill.

INVESTIGATION OF INTERNAL REVENUE BUREAU

Mr. WATSON. Mr. President, I shall ask the indulgence of the Senate for a brief period that I may make a plain statement regarding the resolution which I introduced on Thursday last, having reference to the discharge of the committee to investigate the Internal Revenue Bureau of the Treasury. I am loath to speak on the proposition because of the absence of the Senator from Michigan [Mr. COUZENS], who, as we all know, is seriously ill. I feel quite sure that all of us earnestly hope for his speedy restoration to full health. Much of what I shall say that is of vital importance in the discussion of this controversy rests upon personal conversations with that Senator. I shall not divulge them, because he is not present. If he were present, I know that he would ratify and confirm them all.

This resolution, as I have stated, was introduced on Thursday last. The Senate recessed on that evening; therefore yesterday was the same legislative day, and it was not in order to press the resolution for action. The Senator from New Mexico [Mr. JONES] came to me and asked me if I intended to bring the resolution up in the absence of the Senator from Michigan, and I told him that I would not do so; nor would I have done so, however protracted the illness of the Senator from Michigan might be. While the resolution itself, however, was not brought before the Senate on yesterday, the subject matter of it was, and it was discussed at some length on yesterday evening, as those Senators who were present will recall.

Mr. President, the Senate was well within its rights when it adopted the resolution asking for this inquiry. I think the Senate has the right to inquire into the doings and transactions of the departments of the Government in a legitimate way, when the object of the investigation is to be helpful and constructive. Of course, it is to be assumed that whenever the Senate acts on a proposition of that character it does so impelled by the highest motives and animated by the most sincere considerations. Therefore this work was undertaken in that spirit.

Before I take up the personal side of this controversy, which, after all, is the one of the keenest interest, I wish to call attention to the fact that this committee has labored diligently since its appointment to aid in a constructive way in the reformation of the Internal Revenue Bureau. It will be recalled that the task that confronted that bureau at the close of the World War, and in fact during the war, was most momentous. The income tax law was passed in 1913. Its provisions were simple and the taxes collected amounted to but $436,000,000. The ordinary force employed in the bureau was adequate for its collection and for the transaction of all the business relating to it.

The revenue collected by the Internal Revenue Bureau increased from $512,000,000 in 1916 to $809,000,000 in 1917; to $3,698,000,000 in 1918; to $5,580,000,000 in 1920, or 956 per cent over the collections of 1916.

There were 778,000 income-tax returns filed in 1916. The number leaped in a single year to 3,824,000, and the next year to 4,742,000; in 1920 to 7,605,000, and in 1921 to 8,716,000, or an increase of 1,020 per cent over the number for 1916.

This enormous increase in the revenue and the overwhelming increase in the number of returns filed and the increase in the work to be performed as a consequence thereof went by leaps and bounds. No one did and no one could foresee it. The department labored under the necessity of providing an adequate force to meet the demands made upon it in these exigent and emergent circumstances. Experts were called to Washington for the reorganization and expansion of the small organization that was then handling the matter; but it was not until the close of 1918 that a survey was even possible of the whole situation. The force of employees already was entirely inadequate in number and training to meet the conditions, and they were overwhelmed by the very great tasks suddenly thrust upon them. In the first six months of 1919 approximately a thousand auditors were recruited from the country, and it was necessary to give each one of them from four to six months' training before he was equipped to carry on the work. It was further necessary to bring the whole field force of revenue agents in the entire United States to Washington for further training.

The work of recruitment and the training of the personnel continued during 1919 and 1920. No cases except the simplest, representing approximately 40 per cent in number of the 1917 returns, were completed before 1920, and but few of the consolidated and natural-resources cases were completely audited prior to 1921. Yet so effectively had this force been organized, not only under this administration but under the preceding one, I am very glad to say, that while in 1917 there were 3,824,000 cases filed; in 1918, 4,724,000; in 1919, 5,652,000; in 1920, 7,605,000; in 1921, 8,716,000; and in 1922, 7,755,000, at the present time but two one-hundredths of 1 per cent of the cases of 1917 remain unsettled, five one-hundreds of 1 per cent of the cases of 1918, eighty-nine one-hundredths of 1 per cent of the cases of 1919, 2.2 per cent of the cases filed in 1920, 3.48 per cent of the cases filed in 1921, and 13.71 per cent of the cases filed in 1922. Therefore, when we began the investigation of this bureau we found one efficiently organized, we found one thoroughly equipped, we found one ready and able to meet the cases with which it was confronted, and to discharge the onerous duties that were thrust upon it by the business incident to revenue collection.

Therefore, we entered upon the duties incident to the discharge of our obligations as a committee hoping for several things: First, that we might simplify income-tax returns; secondly, that we might simplify the collection of the revenue or the operation of the bureau; thirdly, that by bringing about us proper experts, familiar with the whole subject of taxation and its collection, we might even make recommendations affecting the policy of the Government and changes in the laws respecting the acquisition of a sufficient revenue to meet the expenses of government. So with the best of intentions we started out together.

Mr. President, I now turn very briefly to make a plain statement regarding the personal side of the matter.

It was said yesterday on the floor, in the very timely speech of the Senator from Arkansas [Mr. ROBINSON], that there had been something of discussion about the personnel of this committee of investigation; and that is quite true. In the Committee on Finance—and I violate none of the secrets of the committee when I say so—the matter was discussed. There were two resolutions pending there, one introduced by the Senator from Utah [Mr. KING], which had been before the committee for some two months without action, and one recently introduced by the Senator from Michigan [Mr. COUZENS]. The matter was pressed by the Senator from Michigan; and when it came up for consideration in the committee it was suggested by several members of the committee that nobody should be appointed except members of the Finance Committee, first because they possibly might be more familiar with the subject matter of the investigation, and, secondly, because if they arrived at any helpful conclusion, any constructive program, it might be embodied in the pending revenue legislation, because we expected to make a very hasty report—that is, hasty so far as time was concerned, though it was our purpose to make it just as thorough as we possibly could make it in the time at our disposal—so as to be helpful in the formulation and enactment of the pending revenue legislation; and with those ends in view we undertook the work assigned us by the committee.

At that time, as the Senator from New Mexico [Mr. JONES] and the Senator from Utah [Mr. KING] will bear me out, the question was discussed as to whether the resolution of the Senator from Utah or the resolution of the Senator from Michigan should be adopted. At that time it was suggested that the Senator from Michigan had had an altercation in the newspapers with Secretary Mellon and that the quarrel between them had in it something of a personal nature; that the Senator from Michigan had demanded that the Secretary of the Treasury should state the amount of his income tax, should give a list of the corporations in which he was interested, and also give to the public a statement of the amount of stock he owned in each of these corporations; and because of that personal interest and that personal altercation it was deemed best to accept the resolution offered by the Senator from Utah, a member of the Finance Committee. The Senator from Utah, however, as he will remember, himself rose and asked us not to take that action, simply because he himself had had a conference with the Senator from Michigan, and in that conference he had promised the Senator from Michigan that he would stand for the Couzens resolution and not for his own. I know that the Senator remembers that statement.

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

Mr. WATSON. I yield.

Mr. KING. I think the Senator has stated substantially what occurred. I said that the Senator from Michigan had offered a resolution because mine had been slumbering so long before the committee, and there seemed to be some apprehension upon his part that it would not be reported, because I was a Democrat, and the committee would perhaps refuse to act upon it. He said—I think I stated that in substance to the Senator who is now addressing the Senate—that he had a

resolution, and he was very anxious to have it adopted; that he perceived that my resolution called for an investigation by the Finance Committee, and with the multiplicity of duties resting upon the committee he did not see how it was possible for the committee to discharge the duties called for by that resolution. I told him I had no pride whatever in the passage of my resolution; that I was anxious to have an investigation for the purpose of aiding Congress in formulating proper legislation; that if he and the other Republicans preferred his resolution, it was entirely agreeable to me and I should be glad to take a back seat and let his resolution go through, and I would aid him in securing its passage.

Mr. WATSON. Which, of course, confirms my recollection of what happened.

Mr. REED of Missouri. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Indiana yield to the Senator from Missouri?

Mr. WATSON. I do.

Mr. REED of Missouri. In connection with the statement just made by the Senator to the effect that the Senator from Michigan had demanded the amount of the income taxes paid by Secretary Mellon, is it not a fact that prior to that demand being made Secretary Mellon had made some charges touching the income tax of the Senator from Michigan, and that what the Senator from Michigan demanded was really in the way of retaliation or following up the statement made by Secretary Mellon? Is not that the order of occurrences?

Mr. WATSON. I will say to my friend from Missouri that I am not familiar with that altercation. I read it in the papers at the time but gave it no special thought or heed; but if that were true, it would only emphasize what I am now saying, which is that there was a personal altercation between them, regardless of the merits of the controversy.

Mr. REED of Missouri. Very true; but if I am correct in what I assumed in my question—and I am not certain of it—it ought to go into the RECORD in connection with the Senator's statement, as a matter of fairness to the Senator from Michigan [Mr. COUZENS], who is not here.

Mr. WATSON. Oh, I am entirely willing that that should be incorporated, because—not to give the Senator a short answer at all—I do not regard it as consequential with reference to the matter that I am now discussing.

Mr. REED of Missouri. I do.

Mr. WATSON. It simply shows that there was an altercation between the two men—and at that time it came up in the committee—and because of that fact we did not think that the resolution of the Senator from Michigan should be adopted and the Senator from Michigan placed on the committee for the purpose of investigating the Treasury Department under the supervision of Mr. Mellon.

While the discussion was on, as Senators will recall, I went into an adjoining room. While there I called the Senator from Michigan on the telephone. I asked him then whether or not he cared as to which of the two resolutions came up for consideration. I told him what the Senator from Utah [Mr. KING] had said with reference to the resolution. He said that he wanted his resolution passed. He said, "I do not want Senator KING's resolution to come up, and if the committee should adopt Senator KING's resolution I should feel under the necessity of taking the matter to the floor of the Senate for the purpose of having my resolution adopted." I said to him: "Senator, let us be entirely frank, as we always are. It is noised about that you want this investigation and want to be on this committee for the purpose of besmearing the Secretary of the Treasury, or for the purpose of having his personal income-tax returns brought to your committee when you could not get at them in any other way; and I want to have from you a frank statement as to that situation." He laughingly replied that he had no such thought in mind; that he did not care anything about that altercation; that he was entirely satisfied with the manner in which it terminated, if the Secretary was; that he had no desire to pursue it or renew it. Then I said to him: "So far as I am concerned, under those conditions your resolution can go through." It did go through, and he was appointed on the committee; but, having the original thought in mind that anything that resulted from the investigation should be tied into and with the pending legislation, the Chair put on that committee four members of the Finance Committee.

Senators, that is the way in which the committee happened to be appointed and is a frank statement of the events leading up to it.

After the committee was appointed I personally was present every day except three, some days a part of the time only. The Senator from New Mexico [Mr. JONES] was not regular in his attendance, as he himself has stated on the floor. I think that for the last two weeks, until the day the Heney resolution passed, he had not been present at all. The Senator from Utah [Mr. KING] had been there a time or two oftener than the Senator from New Mexico. These Senators were engaged in other committee work, the Senator from New Mexico especially in the tax work before the Finance Committee. The Senator from Utah [Hr. KING], also a member of the Finance Committee, was a member of the Committee on Immigration and greatly interested in that committee's work. The Senator from Kentucky [Mr. ERNST] was ill and away from the committee for two weeks; so that the Senator from Michigan and I were present practically all of the time, though he was there more than I was.

So far as the manner of conducting the business of the committee was concerned, it was simply this: The Senator from Michigan took active charge of the whole business. He came to me of an evening and asked me to sign subpœnas. I signed them in blank. Only a few times did he tell me whom he intended to subpœna, or what he intended to try to prove by the witnesses subpœnaed. I signed these subpœnas in blank, permitted him to fill in any names he saw fit to fill in, to subpœna anybody he saw fit to subpœna, to ask any questions he saw fit to ask, and at no time so far as I remember was any objection interposed to any question propounded to any witness by the Senator from Michigan. He had full swing in the conduct of the investigation.

After the lapse of some weeks I had a conference with the Senator from Michigan. I will break off long enough to say that at the inception of the work Doctor Adams was brought in, T. S. Adams, of Yale University, one of the ablest and most conspicuous of all the men who have written and talked upon the subject of taxation in this country, the expert called before the Finance Committee by both Democrats and Republicans for some time past in formulating revenue legislation. He came to offer his advice, he sat with the committee, he heard all the testimony, and was present all the time, with the object of formulating helpful and constructive recommendations to this committee which might be incorporated with a view to aiding the business of the revenue department.

Senators, on last Tuesday, as I recall, and if not Tuesday, on Monday, the Senator from Michigan sent his clerk to me, in my office, and presented to me a letter which he asked his clerk to ask me to sign. That letter made a request on the Secretary of the Treasury to send to our committee a complete list of all the corporations in which he had stock, of all the enterprises in which he was engaged, and the amount of stock so held in each of those corporations. I said to his secretary that I would not sign that letter. I said, "In the first place, it has no relevancy to the investigation we are making. In the second place, to give an old-fashioned answer, it is none of our business"; and so far as the purposes of the committee were concerned, it was none of our business. I said, "I will talk to the Senator when I see him in the Senate."

When we met here—as we did every day—having conversations about this matter, I told him my conclusion. He said he had no quarrel to make with it if I felt that way about it; because from first to last our relations remained most cordial, and the Senators will bear me out that after the Heney resolution was passed the Senator from Michigan made the statement—which went into the record—that from the beginning to the end I had treated him with the utmost courtesy and cordiality, which, of course, I had. I aim to do that with everybody.

At that particular time, the last day before the Heney resolution passed, I asked the Senator from Michigan and Mr. Adams to remain with me after the witnesses had been dismissed. They stayed with me in the room, and I said to them, "Now, what course shall we pursue? We have gone on long enough to find that there is nothing to this investigation, so far as helpful and constructive suggestions are concerned." I said to the Senator from Michigan, "You have brought here the different organizations and corporations in which Mr. Mellon has stock"; because when the demand was made on the Secretary that he send up a list of those corporations in order that the tax might be investigated with reference to them with the idea of finding out whether they had been favored in any way because Mellon was Secretary of the Treasury, the Secretary immediately responded that he very gladly would ask every one of those corporations to give waivers of their rights to secrecy in order that the whole transactions might be divulged to the committee, and in no single instance did the Secretary decline to give that answer and to give it affirmatively, to give it willingly, and to give it

readily. The records were sent up, large numbers of them. I recall that of the Gulf Oil Co. there were a great many brought up, so much so that I was astonished at the number.

It takes a great deal of work to do that sort of thing. The Treasury Department is scattered in seven buildings in all parts of this town practically, long distances apart. They are crowded for space as none can imagine unless they are familiar with the situation. Therefore, when they go to look up any record like that involved in the tax payment of the Gulf Oil, or any corporation of similar character, they are compelled to go all around in different parts of the town and dig up these records. It took a great deal of work, and it involved a large number of men working constantly at it in order to bring up the records of all these large corporations in which Mr. Mellon was a stockholder. That is why he said—and said truthfully—in his letter that it had demoralized a good part of the income-tax unit and the force engaged in it, and anybody familiar with the situation must know that that statement was absolutely true.

At that time the Senator from Michigan asked Doctor Adams to formulate a plan or a recommendation which the committee would adopt to carry to the full committee when they could all be present, and finally to the Senate.

Mr. REED of Missouri. Will the Senator permit an inquiry?

Mr. WATSON. Certainly.

Mr. REED of Missouri. I am not sure that I understood the Senator's statement; there was a little confusion in this part of the Chamber. Did the Senator say that getting out the tax returns of the Secretary of the Treasury had confused the business of the Treasury?

Mr. WATSON. Somewhat; the income-tax unit, very naturally, because he had to turn over a part of the force of that unit, not only for that, but for all this investigation. A number of people employed in the income-tax unit constantly were engaged in that business, looking up the facts, bringing up the data, getting everything that was asked for by the committee. Not only that, I will say to the Senator, but he must be aware of the fact that when any particular bureau is being investigated it destroys partially the morale of that bureau.

Mr. REED of Missouri. That depends on what they have been doing, I take it.

Mr. WATSON. No; I do not think so. It does not depend on that at all, because, as the Senator knows, when a thing of that kind is on, more or less the people engaged in that particular bureau meet in little knots and groups to discuss the investigation, they talk about it and think about it, and it occupies their attention, as everybody knows; and, as everybody knows, it partially does destroy the morale of any body that is being investigated, and that is true not only in public but in private affairs.

Mr. McKELLAR. Mr. President——

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

Mr. WATSON. I yield.

Mr. McKELLAR. Of how many corporations were the papers sent up?

Mr. WATSON. I can not answer that question.

Mr. McKELLAR. Were there any others except the Gulf Refining Co. and its subsidiaries——

Mr. WATSON. Oh, yes.

Mr. McKELLAR. And the Aluminum Co. of America and its subsidiaries?

Mr. WATSON. Yes; there were a number of them. I can not remember what they were. I did not think it important and therefore did not bring any list of them. There were two or three about which the evidence was asked as to which the Secretary had written out to get the waivers.

Mr. McKELLAR. Were the Overholt Distillery papers sent up?

Mr. WATSON. So far as I know they were not. I think that matter was gone into, however, in connection with the subject of taxation. After it was all gone into, I will say to my friend from Tennessee the Secretary correctly states the conclusion when he says in his letter:

> 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 taxpayer. The inquiry, so far as showing that I favored my own interests, has failed completely.

And there is nobody who can truthfully gainsay that statement.

Mr. JONES of New Mexico. Mr. President——

Mr. WATSON. I yield.

Mr. JONES of New Mexico. I am sure the Senator from Indiana did not want to leave the impression that all of the companies in which the Secretary of the Treasury was interested had been examined.

Mr. WATSON. Certainly not.

Mr. JONES of New Mexico. I am inclined to think that the language in the Secretary's letter might leave that impression that all of his companies had been exonerated.

Mr. WATSON. Certainly not, Mr. President; only those companies concerning which the Senator from Michigan made inquiry, that is all; and I thank the Senator for the suggestion.

Mr. JONES of New Mexico. I think the Senator will also agree that there has not yet been any complete examination of the returns of those three companies which have been furnished to the committee, that there has been no complete checking up or auditing of the returns which have been filed with the committee regarding those three companies.

Mr. WATSON. The Senator is right when he says a complete audit has not been made, and that is another reason why it demoralizes the whole bureau to have that sort of thing going on, because they take their expert auditors and go into the matter, check it up, and bring it in regular fashion before the committee.

Senators, the Senator from Michigan said to Doctor Adams—and the Senators on the other side know Doctor Adams and can ask him questions—that he wanted him to formulate a plan which could be recommended to the committee and which the committee could recommend to the Senate. We discussed the proposition of having a body of experts appointed, some in and some out of the Treasury, who might take up the whole question, investigate it throughout the summer, and report to our committee in the fall.

Doctor Adams formulated a plan along that line at the suggestion of the Senator from Michigan. Something of the kind was what we had discussed over and over again. I am not sure but what the Senator from New Mexico will say that he and I had talked about something of that kind, a commission; and it had been suggested that our own members should be on the commission, or should have supervision of the work, so that out of it all something constructive might come. We could well see, as Senators can well see, that in the vast volume of business which could be brought before the committee in a sweeping investigation, we would be overwhelmed, and utterly unable to get anything out of it of a constructive value, and we did not intend, and there was not a single member who at any time asserted that he intended, to go into any muckraking business in that committee.

In fact, in the committee on many occasions the Senator from Michigan had distinctly disavowed any intention of going into any muckraking attempts in the committee, and, so far as I was concerned, while I was entirely willing to have any kind of an investigation that would be helpful and constructive, I was determined, as far as I had any influence in that committee, that there should be no muckraking and no mud throwing and no besmirching of the character or the reputation of any citizen, in either private or public life; and in s ying that I make no reflection upon anybody else or upon any other committee in action.

Tuesday night there came a change over the dreams of my friend from Michigan, and on the next day, to my utter surprise, when the witness who had been called for that occasion was being examined, right in the midst of the examination, the Senator from New Mexico and the Senator from Utah being present, the Senator from Michigan stopped the proceedings and introduced his resolution. Of course, I put it mildly when I say that I was greatly surprised, and I said to him, "Senator, had it occurred to you that it would have been at least a matter of courtesy for you to have talked that over with me? Our relations have been very pleasant and cordial from the beginning. Why did you not mention that to me?" He said, "I know no politics in a matter of this kind." The record discloses this. Whereupon, if I recall, I said to him, that in the resolution which passed the Senate the provisions called for the appointment of three men from the majority and two from the minority, and evidently there was some politics in it, because he was appointed on that committee as a Republican. That was the only allusion made to the partisan side of it then.

I said, "Did you consult with the two Democratic members?" He said, "No; I did not consult with them, but Mr. Heney talked with them." That was in the record. I said then, "You made the arrangement with Mr. Heney that he was to be employed, and he talked to the two Democratic Senators, and none

of you mentioned it to me, the chairman of the committee?" To which no response was made.

That is just a mere matter to show how the thing was running, and that back of it all was partisanship, pure and unadulterated. I do not mind partisanship. I play some politics myself. I believe in partisanship, regular, organized, militant, but I want that partisanship to be lifted above the low and miasmatic swamps of personal defamation and placed on a high plane of thought and feeling and action, where men contend upon opposite sides of sane principles of administration and sound policies of government for the mastery of the government. That is the kind of partisanship we ought to have, and I trust that some glad day yet to come the Senate will again reach that plane.

I am not at liberty to divulge any conversations, but I learned upon indisputable evidence that Governor Pinchot, of Pennsylvania, had injected himself into this controversy and that Governor Pinchot was the man who had recommended the employment of Francis J. Heney. I knew what that meant, or thought I did, and I at once communicated with the President and the Secretary of the Treasury.

Mr. ROBINSON. Mr. President, will the Senator yield for a question?

Mr. WATSON. I do.

Mr. ROBINSON. The Senator said he knew what that meant. Will he take the Senate into his confidence and tell the Senate what it meant?

Mr. WATSON. I shall try to do so, I will say to my friend, bye and bye.

Mr. Mellon in his letter to the Senate used this language:

In urging the appointment of the committee his purpose—

Referring to the Senator from Michigan [Mr. COUZENS]—

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.

And he was in entire accord and never at any time laid one stone in the way or suggested anything in the nature of obstructive tactics. My friend the Senator from Tennessee [Mr. McKELLAR] yesterday was quite insistent in calling the attention of the Senator from Arkansas [Mr. ROBINSON] in the midst of his speech to certain language which Secretary Mellon had used, in effect as follows:

As I have already stated, I have never interfered in any way with the Bureau of Internal Revenue in any tax matter. Least of all would I do so in cases in which it might be charged that I personally was concerned. I feel, however, that it is due to me and to the office involved that your committee make an investigation in order that the truth may be known.

I have not just the language of the letter before me, but, in other words, he was insisting upon the investigation being made. When? When he thought and when he had a right to conclude that the sole object of the investigation was constructive and helpful and affirmative and not negative or destructive. But when I informed him, as I did upon the facts I had, that Mr. Pinchot had come into it, and Mr. Heney had been chosen in the way he was chosen by that committee, he knew and I knew that constructive work at that hour ended in the committee and that destructive work at that moment began.

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

Mr. WATSON. I yield.

Mr. McKELLAR. The Senator spoke of the excerpts that I read from Mr. Mellon's statement, but said that he did not have them before him. I have the letter before me, which is evidence that the Secretary, when he wrote the statement, did not draw that fine distinction about constructive work to be recommended but had something very different in his mind. I want to read to the Senator just what the Secretary then had in his mind:

I feel, however, that it is due to me and to the companies involved—

Meaning his companies—

that your committee make immediate investigation, in order that you may thoroughly satisfy yourselves and the public whether or not these companies have received any favors from the Government.

That is what the Secretary said. Why is it, after having made that statement, that the Secretary of the Treasury sends these returns up with his auditors, as I understand the situation, and then appeals to the President to stop the investigation and not let the Senate committee investigate as it proposes to investigate?

Mr. WATSON. I have already said that the language of the Secretary is sufficiently explanatory in answer to the Senator's question. He said:

In urging the appointment of the committee his purpose was ostensibly to obtain information upon which to recommend to the Senate constructive reforms 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.

Then Mr. Heney appears on the scene; then Mr. Pinchot appears on the scene; and then, with that new scenery and those changed conditions, the Secretary of the Treasury graphically recites:

Any constructive purpose of the committee has now been abandoned.

Mr. JONES of New Mexico. Mr. President——

Mr. WATSON. Will the Senator wait until I get through with this part of what I am going to say?

Mr. JONES of New Mexico. Certainly.

Mr. WATSON. We all remember reading in the public press of a controversy between Secretary Mellon and Governor Pinchot. Perhaps it related in the beginning to Pennsylvania politics, a subject so profound that I have no knowledge of it. Perhaps it related to other matters in which the Senate is not interested. But certainly it related to the prohibition unit, which is in the Bureau of Internal Revenue. That was the thing that so stirred Mr. Mellon. Why? Because if Mr. Pinchot could inspire the selection of Mr. Heney, and if Mr. Heney could be selected by Senator COUZENS and the two Democrats—Senator COUZENS already hostile in purpose and intent to Secretary Mellon—then he had every reason to believe—in fact to know—that from this time on the prohibition unit was to be investigated, that from this time on from all parts of the country all the books could be brought here, that all the witnesses could be haled before this committee, that every one of the activities of the prohibition unit could be brought before this committee, and everybody knows what that would mean.

Why, Senators, when we voted for prohibition, those of us who did, we knew that the law could not be completely enforced for 5 or 10 years, but voted for it only with the understanding that it would be progressively enforced. As I am aware, and as everybody knows, if we begin a wholesale investigation of that bureau there will be no end to it. Everybody knows that with Pinchot back of it and Mr. Heney back of it they would never intend to end it until the night before election in 1924. There is no use in dragging out all that gossip and scandal and having a saturnalia of vituperation and aspersion unequaled hitherto in the political annals of America.

Mr. SWANSON and Mr. McKELLAR addressed the Chair.

The PRESIDENT pro tempore. Does the Senator from Indiana yield, and if so, to whom?

Mr. WATSON. I do not yield to anyone.

Mr. SWANSON. I just want to ask one question.

Mr. WATSON. That introduced a new element into the situation. I will yield to my friends after a while. I like to be good natured with them, but I know my friends over there are ready and willing and voluable, and that they have a sort of firing squadron to attempt to break down the speech of any Senator in opposition.

Mr. ROBINSON. Mr. President, will the Senator yield to one question?

Mr. WATSON. No.

Mr. ROBINSON. Not one?

Mr. WATSON. I like my friend, and I would like to yield to him, but if I do that opens the floodgates to at least a half a dozen others. [Laughter.]

Mr. ROBINSON. I just wanted to ask one question for information.

Mr. WATSON. I do not think I had better yield.

Now, Senators, that is the situation, and therefore in meeting that situation what does Mr. Mellon say?

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—

Not only past and present but in contemplation—

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.

That is precisely what he had in mind when he penned those words, for he knew that if the committee, inspired by Pinchot and engineered by Heney and sustained by my two Democratic friends on the committee, would start an investigation of the prohibition enforcement unit in the United States, there would be no end to it before election day. I stand exactly with the Secretary on that proposition, and so far as I am concerned there will be no investigation of that unit. Nobody has expected that prohibition would be rigidly enforced up to the present hour.

Mr. JONES of New Mexico. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Indiana yield to the Senator from New Mexico?

Mr. WATSON. He is my colleague on the committee and I have to yield to him.

Mr. JONES of New Mexico. I want to call to the attention of the Senator——

Mr. WATSON. Does the Senator want to make a speech or merely ask me a question?

Mr. JONES of New Mexico. Just a question.

Mr. WATSON. All right.

Mr. JONES of New Mexico. The action of the committee, taken immediately after the adoption of the resolution relating to Mr. Heney——

Mr. WATSON. I am going to come to that in a moment.

Mr. JONES of New Mexico. Did not the committee by unanimous vote, including that of Senator COUZENS, decide that it would not go into a muckraking examination, and that all the testimony to be gathered and considered by Mr. Heney should first be submitted to the committee in executive session, and did not Mr. COUZENS and every one of the members of the committee assert it as their policy that it should not be resolved into a muckraking examination and for the besmirching of the character of anyone unless the evidence would warrant some proceeding, and that that should be considered in executive session before it was even put into a public record? In that view of the case I must say that it seems to me the distinguished Senator from Indiana is undertaking to build up a foundation for the action of the Secretary of the Treasury which, in my humble judgment, does not exist. The name of Mr. Pinchot was never suggested——

Mr. WATSON. The Senator told me he wanted to ask a question. He is making a speech.

Mr. JONES of New Mexico. I asked the Senator——

Mr. WATSON. No; the Senator did not ask me.

Mr. JONES of New Mexico. I now ask, in view of the fact that the committee took the action it did, whether or not the Secretary of the Treasury was justified in predicting any such disaster as he did in his letter, and does he believe that the Secretary of the Treasury has the right to control the discretion of a committee of the Senate and to say when the committee shall cease its efforts or when it shall not?

Mr. WATSON. Has the Senator finished his question?

Mr. JONES of New Mexico. I now insert the interrogation point. [Laughter.]

Mr. WATSON. I thank the Senator. I may say to the Senator that I never more gladly recognized the point than I do now.

I will answer the Senator, but in order to do so I must cite the successive steps that led up to the appointment of Mr. Heney. Nobody claims that, when the Senate passed the resolution authorizing the appointment of this committee of investigation, it empowered the committee to select an attorney. It is understood that it did not. That was one of the reasons why we objected to this appointment.

I think it well at this point to refer to the statute. I do it because of a remark made by my honored friend, the distinguished Senator from Montana [Mr. WALSH] last night that the question about the appointment of an attorney was a mere "frivolous" matter, and I think when he came to it the second time he said "weakly frivolous." Am I not right? I shall quote the language of the statute, and I do not think my friend, splendid lawyer that he is, will say that the violation of a statute of the United States is a matter that is "weakly frivolous." And up to that time that was the thing that we had before us for our consideration, and we took it into consideration. The statute reads:

That on and after July 1, 1919, no Government official or employee shall receive any salary in connection with his services as such an official or employee from any source other than the Government of the United States, except as may be contributed out of the treasury of any State, county, or municipality, and no person, association, or corporation shall make any contribution to or in any way supplement the salary of any Government official or employee for the services performed by him for the Government of the United States.

The Senate conferred no authority on this committee to hire a lawyer; and if it conferred no authority on the committee to hire a lawyer, the committee had no authority to delegate an authority it did not possess to somebody else to hire a lawyer. The committee was limited in its power by the terms of the resolution; it could not go outside of its terms to do something extraneous, and, in fact, against the spirit of the resolution. If the committee could not procure the services of an attorney and pay him, manifestly it had no power to bestow authority upon some member of the committee to hire a lawyer. Therefore, when the Senator from Michigan [Mr. COUZENS], out of his own pocket, chose to hire Mr. Heney, to pay his expenses while here, and to pay a fee for his labors, he at least violated the spirit of that section of the statute of the United States which I have read. Is there any doubt about that?

Mr. JONES of New Mexico. I think there is, Mr. President.

Mr. WATSON. Of course, my friend would doubt it.

Mr. WALSH of Montana. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Indiana yield; and if so, to whom?

Mr. WATSON. I will yield to my friend from Montana, because I have referred to him.

Mr. WALSH of Montana. Will the Senator again read the statute?

Mr. WATSON. Oh, does the Senator want me again to read the statute? I wish to proceed.

Mr. WALSH of Montana. I do want the Senator from Indiana again to read the statute, because my understanding is that the penalty of the statute is against the man who receives the pay.

Mr. REED of Pennsylvania. The penalty of the statute is against both the man who gives the pay and the man who receives it.

Mr. WATSON. Yes; it is against both. Not only is it the express statute, but I call the attention of the Senator to the fact that it is also the express governmental policy—and he and I alike believe that it should be the universal policy of this country—that no individual Senator and no individual Member of the House of Representatives should be permitted, out of his own pocket, to hire a lawyer to investigate any bureau or any activity of the Government.

Mr. WALSH of Montana. I do not wish to interrupt the Senator to discuss that subject.

Mr. WATSON. That is just what I am talking about.

Mr. WALSH of Montana. I rose to call attention to the fact that the Senator from Michigan is guilty of nothing under the statute.

The statute reads:

That on and after July 1, 1919, no Government official or employee shall receive any salary in connection with his services as such an official or employee from any source other than the Government of the United States except as may be contributed out of the Treasury of any State, county, or municipality, and no person, association, or corporation shall make any contribution to, or in any way supplement the salary of, any Government official or employee for the services performed by him for the Government of the United States.

Mr. WATSON. I understand what the Senator is going to say. He is going to say that the amount proposed to be paid to Mr. Heney is not a salary; but that is a distinction without a difference. Here was a private individual, a Senator of the United States, a member of a committee that had no authority to hire a lawyer, hiring a lawyer himself and paying that lawyer out of his own pocket. What? The fee for his services. Is not that a violation at least, if not of the language, of the spirit of that statute.

Mr. WALSH of Montana. I am not saying it is a violation of the spirit of the statute at all; but, as I said last night, if the committee did not have power to employ counsel—and there is an open question there—it is a very easy thing to correct that by passing a resolution.

Mr. WATSON. I understand what the Senator said, and if the committee had no authority to hire a lawyer, why did they

come in here with a resolution empowering the committee to do it? Simply because they were satisfied in their own minds they had no such power and authority.

Mr. WALSH of Montana. Let me say with respect to that—and I counseled that course, although I was not a member of the committee—that we proceeded in exactly the same way in the Committee on Public Lands. One day ex-Senator Fall came in and objected to the jurisdiction of the committee on the ground that its power expired with the Sixty-seventh Congress, notwithstanding there had been passed a resolution extending the power of the committee through the Sixty-eighth Congress. We did not take time to debate that question, but we said, "If there is any question about it, it is easily corrected by passing a resolution." So we came in and introduced a resolution, and it was passed by the Senate. It was the same idea that suggested the introduction of the resolution last night of the Senator from New Mexico [Mr. JONES]. Why debate the subject? Why talk about it at all, when the Senate can easily pass a resolution, if that be the desire of the Senate?

Mr. WATSON. Certainly. But what I am calling attention to is the fact that the Senator said that the objection was "weakly frivolous," when I am taking the position that, instead of being frivolous and weak, the matter that confronted us was a violation, as I believe, of the statute. I believe the committee had no authority to hire a lawyer, because it had been given no such authority by the Senate. Therefore I opposed the selection of Mr. Heney on that and other grounds, about which I shall speak later.

Senators, that brings me to another phase of the Senator's speech of yesterday evening, to which I shall give momentary consideration, not that it is not entitled to greater consideration, but because I must hasten through. I read this morning the speech of the Senator from Montana. I will say at this point that we could not on yesterday answer any of the speeches made, because immediately after the President's message and Secretary Mellon's letter came to the Senate our friends on the other side took the documents and used them for the remainder of the evening, until 7 o'clock. I do not complain of that, because they had a perfect right to do so, but they prevented any of us on this side from getting the text of either the message of the President or the letter of the Secretary of the Treasury and of answering anything that had been said by way of discussion.

The Senator from Montana last night formulated his whole speech on the theory that the President was attempting to interfere with all of these investigations. I secured a copy of the message and read it over with some care and I wondered how my friend arrived at that conclusion. So far as I can read the text there is not a line or a word or a syllable that legitimately can be construed in that way. What did the President say? I quote from his message:

> 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.

Then he discussed this particular case. Nowhere does he refer to any other investigation.

> 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.

What was the "unwarranted intrusion" to which the President referred? Manifestly the appointment in unwarranted fashion of an attorney by a committee that had no power to appoint an attorney, and then, having that attorney, under the provisions of the resolution, going into the Treasury Department, to hale all of its employees before the committee, to bring all of its records and papers over here at his own sweet will. That was the "unwarranted intrusion" to which the President referred, and it would have been "unwarranted intrusion." There is no question about that in the world. That is the thing to which the President referred, and there is no possible question about it.

Mr. NORRIS. Mr. President——

Mr. WATSON. Now let me go on.

Mr. WALSH of Montana. Mr. President——

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

Mr. WATSON. I yield.

Mr. NORRIS. Because the Senator said "there is no question about that in the world," I should like to ask him if he has really measured his words in making his statement. He says that this attorney—and let us admit, for argument sake at least, the illegality of his employment—would have authority under his appointment to go into the Treasury Department and get anything he wanted. Does the Senator mean he could do so without authority?

Mr. WATSON. Anything he wanted to within the limits of the law.

Mr. NORRIS. Within the limits——

Mr. WATSON. Of statutory enactment.

Mr. NORRIS. Yes; and within the limits of such documents as would be submitted to him even by the Secretary of the Treasury. He would not have any right to take up the returns of some man or of some corporation that had not given consent to have their returns examined. That far the attorney could have gone, but could he have gone any further? Could he have looked into the Senator's income tax or into my return or the return of any corporation that had not waived secrecy?

Mr. WATSON. Does the Senator from Nebraska think that he would have a right to hire a lawyer or an expert to go down and ransack through the departments?

Mr. NORRIS. No; I am admitting for the sake of my question that the Senator's legal proposition is right——

Mr. WATSON. When the Senator admits that he admits all.

Mr. NORRIS. But what I claim is that the Senator is making too sweeping a statement when he says that this attorney, illegally appointed, would have a right, as the Senator has further said, to go through the Treasury Department with a fine-tooth comb. I think the Senator from Indiana will have to admit that what he would have the right to do, whether he was legally appointed or illegally appointed, would be limited only to those income-tax returns given him by the Treasury Department which those directly interested had consented should be examined. Within that limit the Senator's statement is all right.

Mr. WATSON. Mr. President, I do not intend to split hairs with my good friend from Nebraska. What I am discussing is what the President meant when he used this language; whether he meant the investigation being conducted by my honored friend from Montana or whether he meant the investigations being conducted by the other committees, whatever they may be, and they are so numerous that it is difficult to keep track of them.

Mr. NORRIS. I do not want to interfere with the dissertation the Senator is making, but I want to call the Senator's attention to his own statement, and I think when he looks it over he will find that it went way beyond the bounds, so far as the powers of the attorney are concerned, even conceding that he was illegally appointed and that the committee had no right to appoint him.

Mr. WATSON. The injunction of secrecy does not apply to the prohibition unit, so far as I know. Does the Senator from Nebraska think he would have a right to hire a lawyer to go in and ransack through all the departments?

Mr. NORRIS. I am going to contend a little differently; but I am admitting, for the sake of my question, that the Senator is entirely right and that the appointment of the attorney was illegal. I do not think, however, that is very important. If he could be appointed legally, he ought to be appointed legally; and if he was appointed illegally, and there is even a technical objection to the appointment, it ought to be sustained if it is legally correct. So far as the prohibition unit is concerned, the Senator's argument here is the first intimation I have heard that it was contemplated to investigate that unit. I wish to say to the Senator who has put the question to me that I am perfectly willing definitely to provide in a resolution for an investigation of the prohibition unit. I did not suppose the special committee of which the Senator from Indiana is chairman was going into that, but I do not agree with the Senator at all that the prohibition unit ought not to be investigated. I believe that it ought to be investigated, and I would be glad to see this committee or some other committee properly investigate it. I think the prohibition law ought to be enforced.

Mr. WATSON. I believe it ought to be enforced, but I do not believe——

Mr. NORRIS. As the Senator said a while ago, it is not being enforced properly.

Mr. WATSON. And the Senator knows that it is not.

Mr. NORRIS. I understand that. That is one reason why the men who are enforcing it ought to be investigated, and we ought to see if we can not ascertain why it is not being properly enforced, and see then that it is enforced. Perhaps we ought to pass some more laws. I do not know.

Mr. WATSON. The Senator, I think, can answer that question without further investigation.

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

Mr. WATSON. Once more I will yield, and then I am going to quit yielding.

Mr. KING. I want to say to the Senator that I have never heard the suggestion made until it was made by the Senator on the floor to-day that this committee contemplated investigating the prohibition agency of the Government. If that is the view of the Senator or the view of the Senator from Michigan, I have never been advised of it. It was never discussed by any member of the committee in my presence.

Mr. WATSON. It was not. It is not necessary to take up my time to say that it was not.

Mr. KING. I never heard the name of Mr. Pinchot mentioned in connection with this matter until it was mentioned by the Senator to-day.

Mr. WATSON. I know the Senator did not; but I am mentioning it upon absolute authority, and it will be substantiated as soon as our friend gets out of the hospital.

Mr. KING. Let me say to the Senator that so far as I am concerned as a member of the committee, I did not deem it within the power of the committee to investigate the prohibition department; and if I shall be consulted with respect to that matter I shall oppose it, because it is not within the purview of the resolution, as I interpret it.

Mr. WATSON. That leads me to this proposition: I make this statement in answer to what my friend said a while ago. I want to correct the memory of the Senator from New Mexico [Mr. JONES]. The resolution was offered by the Senator from Michigan [Mr. COUZENS], and objection was made to it on account of its sweeping character. It proposed practically that the committee should abdicate, and that it should transfer to him all of its authority; and the Senator from Utah [Mr. KING] himself spoke up and said: "That is too broad"; and thereupon the Senator from New Mexico took his pencil and wrote in the words "subject to the will of the committee," or whatever the tantamount thing is.

Mr. KING. "Under the supervision of the committee."

Mr. WATSON. Whatever the words were, the Senator took his pencil and wrote them in sitting by my side. So that, as originally introduced, the resolution really conferred upon Mr. Heney all the power of investigation and all the authority the committee had, and this came in as an afterthought; and then—I correct the Senator—then I suggested that so far as I was concerned I intended to oppose to the utmost the introduction of any evidence before the committee until it first had been submitted to the committee, before the reporters were called in. Thereupon the Senator from Utah said: "I agree with that; I am in harmony with that proposition," and the Senator from Michigan made substantially the same remark. It was not put to a vote; it was never voted on in the committee; and we left it there, because it was so manifest that that was the square, straight, decent thing to do that no objection was made to it.

Mr. JONES of New Mexico. Mr. President, I of course do not want to question the recollection of the Senator from Indiana; but my recollection is that just following what the Senator has now stated as to the remarks of himself and the Senator from Utah and the Senator from Michigan the motion was made—and I think I made the motion—that these matters should be considered in executive session before they were formally put into the RECORD. I may possibly be in error about that; but I am sure it was at least understood by every member of the committee, and I believe the motion was made and carried.

Mr. WATSON. It was understood; but of what value is that understanding under the conditions? When evidence was brought before that committee, if the Senator from New Mexico and if the Senator from Utah and if the Senator from Michigan should be present, and if Mr. Doheny, inspired by anybody, should bring in any class of evidence or any kind of proposed testimony that would involve, as I believe, the political phases of this question, those propositions would be admitted, in my judgment. I do not reflect now upon my friends, either of them, because they are honorable gentlemen, and would not do a dishonorable thing, as no member of the committee would; but in the heat of a campaign, when there is a presidential election on, and when there is a chance in any way to injure Andrew W. Mellon, I believe that unless it outraged all conscience and good character and good conduct it would be admitted by that committee.

Mr. REED of Missouri. Mr. President——

Mr. WATSON. I am not going to yield to my friend now.

Mr. REED of Missouri. I want to correct the Senator.

Mr. WATSON. No; I must go on. I beg the Senator not to interrupt me.

Mr. REED of Missouri. I think the Senator wants this correction. He spoke of Mr. Doheny coming before the committee, and I wondered if that was the Senator's subconscious mind in action. Did he mean Mr. Heney?

Mr. WATSON. Mr. Heney.

Mr. REED of Missouri. The Senator said "Mr. Doheny."

Mr. WATSON. As my friend from Arkansas yesterday said, "Heney without the dough."

Mr. WALSH of Montana. Mr. President——

Mr. WATSON. Pardon me; I do not want to yield now. I must finish this talk. I started to speak 30 minutes only.

Mr. WALSH of Montana. All right. I was simply going to remark that the Senator has not called attention at all to the features of the letter to which I referred yesterday.

Mr. WATSON. I shall be very glad to have the Senator do that afterwards.

Senators, I am not a muckraker. I have no nose for scandal. I would much rather pull a man out of the mud than push him in, and most of us here have been actuated by the same motive. I call the attention of my friends about me here to the fact that if we had been disposed so to conduct ourselves when we came into power at the close of the late war we could have opened up the floodgates as they never had been opened up before; but we did not choose to do so. There was not a single senatorial investigation made. There was one over on the House side, but not one on the part of the Senate.

Why, Senators, there was not a man sitting on this side who believed that Newton D. Baker was competent to discharge the duties of the office that he held—not a soul—and even your own people investigated him. When $640,000,000 was appropriated for aircraft, you, a Democratic Senate, appointed a Democratic committee to go out and investigate the expenditure of that money—two Democrats and one Republican. The Senator from Missouri [Mr. REED] was on the committee, as I recall.

Mr. REED of Missouri. Two Republicans and one Democrat.

Mr. WATSON. They went out and investigated the matter and came back with their report; and, standing right over there by where the Senator from Missouri sits, in a Democratic Senate, as the result of an investigation made by a Democratic committee headed by Senator Chamberlain, a Democrat, in a speech criticizing and castigating and chastising that department as no department ever had been criticized in my recollection about here, he closed his speech in this plain but graphic language:

> Mr. President, the simple fact is that the War Department of this administration has ceased to function.

With that indubitable evidence before us, there was not a soul on this side that suggested the appointment of a committee to investigate, and nobody rose in his place on the floor of the Senate to introduce a resolution insisting that the President of the United States should remove this man.

I always believed that Mr. McAdoo was a very competent Secretary of the Treasury, but I thought he was a complete failure as an administrator of our railroad affairs. Everybody did here, and almost everybody throughout the country; but not a soul ever rose here to offer a resolution directing the President or suggesting to the President that he should be removed from office, and so on down the line. Not only because of the great task that confronted them, but because of the incompetency of the men to whom that task was committed there came a saturnalia of extravagance, there came a wanton waste, there came a wicked expenditure of the people's money, but nobody on this side ever at any time rose to propose an investigation.

I never believed that a single man of them was dishonest or corrupt, and all these wholesale charges that have gone broadcast throughout the land, bruited about on the wings of gossip all over this country, that people in Washington are dishonest, that all of the departments are honeycombed with fraud and corruption, are absolutely baseless, unfounded, and untrue. Otherwise, my fellow citizens, the Republic fails and falls, founded as it is upon the intelligence and the morality of its

citizenship, and it is its citizenship that is at work in these departments and engaged in these governmental functions at Washington.

Senators, in my judgment this whole thing is but an assault on the President. These people do not intend to assault Mellon for Mellon's sake, but Mellon for Coolidge's sake. Mr. Mellon has proposed a tax plan. The tax bill now is under consideration. If in any way they can besmirch him, if in any way they can besmear him, if in any way they can weaken him as a citizen of the country or as an honest official, they will weaken to that extent the tax plan which he has proposed and which the President of the United States has seen fit to indorse. Mr. Mellon is one of the main supports of the President of the United States, and, my fellow citizens, with all due respect to everybody else, the President undoubtedly will be our leader in the next campaign. Therefore, whatever militates against him, if it can be brought against him at this time through any kind of an investigation, has a tendency to weaken him if it can reach him; but up to the present time it has not reached him. The breath of scandal has never touched his garments. The simplicity of his life, the rigid morality that always has characterized him, still carries him everywhere supreme and untouched by the contaminating influence of slander here or elsewhere. He has stood in the fierce light that beats upon the throne, and it has found no flaw in his armor, no stain upon his shield. These arrows have all been aimed at his breast, and to-day lie broken at his feet. This powder all has been burned and has left his name untarnished. The people of the United States will continue to believe in this man; and I have no doubt but that any investigation, however troublesome it may be to the personnel of the departments, will not disturb the estimate in which he is held by the people of the United States.

Senators, under these conditions I do not believe in my heart of hearts that this investigation should go on, lawyer or no lawyer. I think we have gone far enough into it to find that Secretary Mellon has never at any time sought favor in the bureau that he heads or in the department that is under his supervision. Talk about Secretary Mellon interfering to have his own taxes reduced! Why, Mr. President, he is a man of wealth; he is a man of affluence, a man of large holdings, a man of tremendous financial capacity and of great managerial ability. He took the finances of this Government when everywhere they were surrounded by chaos and has brought the Nation out until to-day we are the only nation in the world that has reduced its taxes and lowered its debts and balanced its budget, and we can see the sky overhead and the plain way for the future; and that is something worth while in the estimation of the people of the United States.

I was glad to hear my honored friend, the leader of the Democratic Party in the Senate, yesterday pay tribute to the Secretary, showing the goodness of his own heart and his desire to deal kindly and generously with his fellow men.

So, Senators, I believe that no good purpose would be served, but I believe that much of evil would result if this investigation is to continue. Therefore, at the proper time I shall call up my resolution and ask to have it passed.

Mr. REED of Missouri. Mr. President, the nominating speech for the next convention might have been reserved to a more appropriate occasion. It is really too bad that anything so well rounded and so thoroughly candle smoked should have been fired off prematurely to so dull an audience as the Senate, even though the fervid imagination of the orator led him to forget his surroundings and to address, not the Senate, but his "fellow citizens," a phrase he frequently used. I want to give just a few moments' attention to the Senator's remarks, and also to the recent fulmination from the White House.

We have heard a good deal from the Senator about a muckraking committee, and there seems to be in his mind some distinction between an investigation which is constructive and an investigation which he terms "destructive." There can be no investigation which will destroy anything unless the disclosures are of a destructive character, and there can be no destructive disclosures unless there is a bad condition. The only man who fears an investigation is a man who has done something he does not want the country to know about.

I do not know what the Senator means by "muckraking." If "muckraking" means, in his judgment, the introduction of evidence which is not true evidence, then, of course, that is not to be tolerated anywhere. But does the Senator mean to challenge his own committee, to indict his fellow members on the committee, by bringing forward any such charge as would be implied by the definition I have just given? Does he mean to say that the members of his committee would bring in false testimony or improper testimony against any man connected with the Government? If that is true, the committee not only ought to be discharged as members of the committee, but they ought to be expelled from the Senate of the United States itself, were they to do anything of that kind wittingly and intentionally.

"Muckraking" is a term often used. I have no doubt that in the estimation of many people the worst muckraking committee that ever sat as a representative of this body is that which disclosed the frightful wrongs done this Government in connection with the oil reserves. That is the kind of muckraking the Senator from Indiana and those of his school of thought most fear, the rake that goes down into genuine muck and exposes it to the public view and lets the people know the kind of things that have been going on to the disgrace and injury of the Republic.

"Muckraking!" A muck rake will not bring up any muck unless there is muck there. I have no doubt the Senator regretted very much that the muck rake of the Committee on Public Lands was long enough to reach down to the Three Rivers Ranch; that it was long enough to reach over into New York and trace the gentleman who had a gripsack filled with money; that it was long enough to finally compel Mr. Doheny to admit that he had paid $100,000 to a public servant while that man was carrying on dealings and negotiations with him with reference to vast concessions by this Government.

I have no doubt it was a moment of profound sorrow and of disgust to the Senator from Indiana, and to those of his school of thought, that this muck rake was long enough finally to disclose the fact that Mr. Fall had told a falsehood, in which he had been backed up and sustained by the editor and owner of the Washington Post, Mr. McLean, or else that an uglier construction even than to call it a falsehood was to be put upon the statement of McLean and the statement of Mr. Fall.

That muck rake, to the intense disgust and dislike of the Senator from Indiana and those of his school of thought, undoubtedly was engaged in a very bad and nasty piece of business when it disclosed the fact that the secret code of the United States had been turned over to the editor of this newspaper, and had been employed by individuals who were also in the employment of the Government to convey secret information and advice to this editor.

The muck rake, I have no doubt, became particularly offensive when it disclosed such a condition of affairs that the President was compelled finally to insist upon the resignation of the Secretary of the Navy. Again the muck rake was exceedingly offensive when it compelled the President to discharge the Attorney General of the United States.

If this muck rake brings forth facts like those I have been discussing, it is of the utmost importance to this Republic. The only men who are opposed to that kind of muckraking are the people who have crooked records or those who want to cover the crooked records of the people who have been defrauding the Government of the United States.

I know there are a lot of people who love peace so much that they would, if they had their way, never disturb the serenity of any rogue who has had his hands in the Public Treasury. There are people who love the peace of their party so much that they would gladly put the lid down on every kind of investigation and throw before the people the dust that would conceal the facts and lull them into a sense of security, in order that nobody might be disturbed and no political party might possibly suffer.

Mr. President, there is a singular strain of partisanship in this nonpartisan speech, this speech in which the distinguished Senator says somebody is carrying on this investigation for partisan reasons. To begin with, when it was proposed that this committee should be appointed, there were days of delay, and days of negotiations back and forth as to the personnel of the committee, and the Senator from Indiana seems to have been very anxious about that. It was a delicate thing to appoint a committee that was going possibly to cut into this "melon." So we had a great deal of care exercised; an unusual amount of it was exercised on every hand.

Then the committee meets, and the Senator from Indiana complains because a resolution was offered in the committee of five, by one of its members, and because that resolution was not first submitted to him. Why should it have been submitted to him? There could be but two reasons. One is that his is the only mind capable of appreciating and passing upon it. Surely, that is a position which the Senator from Indiana would not assume. The other is that nothing should have been done in this committee until he and his two party associates had an opportunity to pass upon it before it was submitted to the

committee. In other words, they were to supervise everything that came before the committee. For a man to offer a resolution without first submitting it to the Republican side of the committee is, in the judgment of the Senator from Indiana, an offense. Yet he talks about partisanship in a committee.

Of what interest was it to the Republicans on that committee more than to the Democrats upon that committee whether an attorney should be appointed or should not be? It ought to have been merely a question not of party politics at all, but a question of whether such an attorney would be of service to the committee and whether the committee had authority to appoint him. Why should that have been submitted to the Republican chairman of the committee, when it was offered freely and fully to the entire committee? Why should he have had an opportunity of viséing it before anybody dared to offer it in the committee?

Sometimes men by complaining disclose the real source of their hurt. The real trouble is that the Senator from Indiana believes that this investigation might disclose something in the Treasury Department which would not reflect great credit upon the administration now in power or which might bring forth something embarrassing to Mr. Mellon. So he demands that the investigation shall not proceed to investigate until he has first put his eagle eye upon the proposal and passed on whether it is a thing that ought to be done or not. That is a singular sort of an argument for a Senator to make here on the floor of this Chamber.

More than that, he developed his partisanship and his fear for his party when he made the plea that nothing should be done to disclose what has happened in the prohibition department. What is the bug under that chip? Is it because it has been charged that the Secretary of the Treasury is the owner of a distillery and that the transactions and business of that distillery might be investigated? Is that the reason? Or is the Senator entirely sincere when he intimates that if we investigate the prohibition department we will find something very bad down there and that such disclosures would hurt the sacred cause of prohibition? My judgment about it is that if the prohibition department is run honestly the investigation would show it. If it is run dishonestly, then certainly the Senate of the United States ought to know it, the country ought to know it, and the defect ought to be remedied, and those who have been dishonest, if they be in public office, should be driven from public office and the law of the land should be enforced.

This is a most remarkable plea that we have heard, an admission, to begin with, that the prohibition department has not properly functioned and therefore because it has not properly functioned we should not look into it. A strange argument indeed is that to offer anywhere. He would have been in a very much better position had he said that the prohibition department was so well run and was so absolutely flawless that it was useless to investigate it. But for a Senator to stand and say that the prohibition department has failed and therefore we should not look into the cause of the failure is a solecism so remarkable that I have never heard it before pronounced upon the floor of this Chamber.

Then the Senator from Indiana, in the full flood of his eloquence, when his voice was rising and falling in the marvelous cadences for which it is celebrated, when his eyes were flashing fire, when all creation seemed to move in unison and harmony with the notes of his tongue, when it seemed to me that the old snags down in the Potomac River ought to have been bobbing up and down as he waved his arms, finally reached his climax and told us that if we went down there and found any corruption the Republic would fall; that it was going to fall because it was set up for the people of the country and the people of the country are employed in it. Ergo, if you find a few rogues down there Uncle Sam dies instanter, the American flag is trailed in the dust, and the great Republic of the United States goes into the junk heap with all republics that have died in the history of the world.

It seems to me the way to keep this Republic alive is to look into our departments of Government and if we find there are any rogues there take them out and put honest men in their place. If the Republic ever dies it will be because we allow rogues to occupy high place, and yet we find gentlemen and Senators who insist that we should not examine their conduct lest we find something that may not be pleasant to know. This Republic will live even if Andrew W. Mellon is investigated. This Republic will continue to survive even if the prohibition department is investigated. This Republic will live even though it may happen that we find another Fall or another Denby or another Doheny or another Daugherty. The Republic will still live and the sooner we find the men who are unfit for public place the better.

Mr. President, it makes a difference where we are investigating. Did it ever occur to Senators to think of the remarkable difference between the way we proceed in one case and the way we proceed in another? When the disclosures came out in regard to Mr. Denby the President rallied at once to the defense of Denby, and yet in a few days he had to let Denby go. When the attacks were begun upon Daugherty he rallied again to the defense of Daugherty, and yet in a few days he had to let Daugherty go. When a committee of this Senate, numerically small, without a single agency employed to assist it, without any of the facilities ordinarily used to run down crime, with no other power than simply to summon witnesses, bringing them one at a time, was conducting its proceedings, the Department of Justice, with all of its thousands of employees, the Department of Justice, which with its allied bureaus cost the people of the country $40,000,000 per annum, was failing to act at all, and the President was not insisting that it should act. Its detectives, so far as we know anything about them, were conniving with the defendants or with the people who were being investigated. Its legal department was paralized, the code of the Government turned over to those who had been offending against the Government and trying to block the committee.

But somebody said that a Congressman or two had done something crooked and wrong. Then the President could act, and there was instantaneous action. Then the Department of Justice moved as one body, every agency was put to work, and properly put to work, but why were they not put to work to help ferret out the crimes and misdemeanors and frauds and perjuries that had already been partially detected by that committee? Why is it? It is evidently because the President is inspired by the same kind of philosophy as the Senator from Indiana, because they think that muckraking when the rake is liable to come down into their garden patch should not take place, and they do not want that particular thing done at this time.

And, said the Senator from Indiana, "You will not get through until the eve of election." I do not believe we would, but I think there would be some choice reading for the people of the United States and some choice information if we should proceed with the investigation. When it started I did not expect that there would be anything remarkable developed.

When I hear as astute a politician and as keen a lawyer as the Senator from Indiana trying to stop an investigation I almost know there is something there that they do not want disclosed. I almost know there is plenty of reason for an investigation. I am thoroughly convinced, when a man tells me that he does not want an investigation because it will be going on until next election day, that there is something wrong down there, or else he would be glad to have the investigation, and each day would disclose the virtue and the goodness and the honesty and the efficiency of that department.

It is only because there must be something wrong, something to cover up, something to hide, that we find a protest uttered here, and that protest coupled with the statement that the investigation will go on long enough to reach election day. Then when we find this coupled with the statement that out of it all has emerged this remarkable figure of the century, untarnished, untainted, and untouched, I wonder why he is afraid to let the investigation go on, so that amidst the muck and the smoke and all the vileness this candidate whom he nominated to-day on the floor of the Senate shall not appear all the whiter, because he will more thoroughly contrast with the evil that is about him. It seems to me the fear is that there will be another Cabinet officer who must leave. Therefore they do not want an investigation.

As for the employment of Mr. Heney, I have only this to say: He is not the man I would have selected. That is the business of the Senate to settle yet.

I want to call attention to what I think ought to have been done with reference to the communication of the President to the Senate. I say without qualification that it ought to be expunged from the records of the Senate, because it is an offense to the Senate. It is a document that never should have been allowed to have the courtesy of a reception by this body. It is, to use plain language, an insult to the Senate itself.

Our President seems to have strange views regarding his duties and his dignities, and equally strange views regarding the duties and dignities of the legislative department. The Senate passed a resolution, couched in respectful language, asking the President to remove a member of the Cabinet. That Cabinet officer could not have held his seat except by the approving vote of the Senate. We therefore were a party to his selection. In respectful language we asked the President to remove the individual. The President, at least the press so

stated, refused to receive the document and said that he could not officially receive it because it trenched upon the rights of the Executive.

Mr. President, that was a remarkable position to take. I wonder if the President of the United States has forgotten that clause in our Constitution which preserves the right of petition. I say under the Constitution of the United States that the humblest citizen in the land—a mere individual—has the right to send a petition to this body if it be respectful. Any body of citizens has the right to petition the President of the United States. The first time in the history of the country, in my judgment, when any President ever refused to receive a petition sent to him by the Senate of the United States was when Mr. Coolidge took the remarkable position that he would not receive such a document.

With that delicacy that he feels for himself the President sends a message to the Senate which contains language that would be resented between ordinary business houses conducting ordinary business with each other. He transmits to us, with his approval, a letter of Secretary Mellon the concluding sentence of which is:

> Government by investigation is not government.

Taking that sentence in connection with what has been going on amounts to nothing more nor less than an insulting and slurring remark cast at the Senate because of the investigations that have been conducted. It was so understood by every man who read it. It was intended to be so understood.

Mr. McKELLAR. Mr. President——

Mr. REED of Missouri. I yield to the Senator from Tennessee.

Mr. McKELLAR. Does it not amount also to a tacit disapproval of all going investigations and an approval of the conduct which those investigations have brought out and disclosed?

Mr. REED of Missouri. Mr. President, it is but an echo of a propaganda that has been going over this country that the Senate ought never to have investigated anything; that it ought never to have discovered anything; that it ought never to have told if it had discovered anything; that we should keep our eyes closed and our ears stopped; that crookedness and graft and bribery should be allowed to progress; and that the Senate is culpable and subject to criticism because it has dared to investigate.

That is not the only sentence. It is a digression at this time; but I refer to one other statement made by the distinguished Senator from Indiana [Mr. WATSON], and also, in substance, made by the Secretary of the Treasury, namely, that the little investigation carried on by this committee has disturbed all the business of the Internal Revenue Bureau of the Government, and that therefore it ought to be stopped because it is disturbing that business.

Mr. President, the Secretary of the Treasury himself states that there are 60,000 employees in his department, and yet this committee has had but a limited number of papers and a limited number of witnesses before it. If there be a member of the committee present, I wish he would tell me approximately how many papers and witnesses the committee have had in gross from the Treasury Department.

Mr. KING. Mr. President, because of other public duties, I have been unable to attend many of the meetings of the committee, but a number of papers have come from the department to the committee relating to corporations in which Mr. Mellon was interested. As to the number of those papers, I can not say, but there have not been a great many; and the number of witnesses would not, perhaps, exceed 15 or 20.

Mr. REED of Missouri. Mr. President, are we to understand that the business of the Secretary of Treasury is so extensive that when his tax returns are withdrawn from the archives and carried over here to a committee that that blocks the work of the 60,000 employees in the department? Are we to understand that the calling of 15 or 20 witnesses out of a possible 60,000 employees has broken down the Treasury Department? Is anybody deceived by the kind of statement we have heard here this morning and which the Secretary himself introduces in his letter? Mr. President, big as is his business, vast as are its ramifications, it certainly is not so great that when you disturb Andrew Mellon's business you stop the business of the entire Treasury Department, and all of its employees over the United States go out of action?

Mr. McKELLAR. Mr. President, I think the Senator from Missouri is entirely correct in that statement. However, I will say that a few days ago I was furnished a list of Mr. Mellon's companies, with the amount of stock which he owned in each, and together, those various corporations in which he is interested, if that report which has been furnished me is correct to any extent, represent a very large aggregation of business.

Mr. REED of Missouri. We all know that. We all know that Mr. Mellon was a director in 68 great banks and trust companies and industrials. What the aggregate wealth of those concerns may be, I would not like to hazard a guess, but I should not be surprised if it ran into the thousands of millions of dollars. However, the statement that their tax returns can not be carried from the Treasury Department over to the Capitol without unbalancing the Government is a manifest absurdity.

The truth is that what they do not want is that knowledge of the taxes that have been returned should be made public, and they do not want Congress or any other body in the Government to know what the interlocking directorates and the various ramifications of these business concerns are. They do not want an investigation to determine whether taxes have been properly collected and whether they have been improperly remitted. That is the fact with regard to that branch of the activities of the Treasury.

There may be a much greater fear regarding the investigation of the prohibition unit; but, I repeat my question, why should any man object to the truth being known and the defects and failures, if any there be, accordingly corrected? No, Mr. President; there are other reasons than these. I think that part of the committee became alarmed when they learned that the investigation might proceed along certain lines and that the trail was getting too hot.

I wish now, however, to return to my statement that the message of the President ought to be expunged from the RECORD of this body. The statement occurs therein that the President forwards Mr. Mellon's letter—

> 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.

That is a statement which challenges the conduct of a committee of this body; a statement that I question whether any king of modern times has ever paralleled in any lecture or denunciation he has delivered to the semilegislative bodies over which he rules. It is a direct challenge of the conduct of a committee of this body and is a direct affront to the legislative body. I am not a stickler; I do not believe that any of us are personally disturbed by what the President may have said; but some things are due to this coordinate branch of the Government, and one of those things certainly is respectful treatment and respectful communication.

> The executive branch has nothing that it would wish to conceal from any legitimate inquiry upon the part of the Senate.

Since they refused to cooperate, the inference is inevitable that the President charges that we are not engaged in a legitimate inquiry. The language means that and nothing else. Then, why is this fling put into the letter except for the pure purpose of insult?

> I recognize also that it is perfectly legitimate for the Senate to indulge in political discussion and partisan criticism.

That is simply an ironical statement meant to charge that we do indulge in political discussion and partisan criticism—not honest criticism, but partisan criticism. So the President sends this challenge to us. With equal propriety, the Senate could pass a resolution and send it to the President charging him with having done something for partisan purposes. He may do that; he may be controlled by such motives, but there is no instance that I know of where either branch of the Legislature has sent that sort of a charge to the President. If we did, we might expect it to be returned to us. We do not make attacks of this kind upon the House. If we did, the House would properly resent it. The House does not make similar attacks upon the Senate. If it did, we would resent it. The proper courtesies and decencies between the departments of the Government generally in the past have been observed; in this instance they have been grossly and offensively broken.

I read again:

> But the attack which is being made on the Treasury Department goes beyond any of these legitimate requirements.

What attack has been made upon the Treasury Department? I inquire again, what attack has been made upon the Treasury Department? The committee summoned some papers; it sought to examine and find out what Mr. Mellon's tax returns were. It has kept the result of its findings, as I understand, sacredly confidential. Then the committee was proceeding with its other business, and what did the committee

propose to do? To employ an attorney, who was to work under the supervision of the committee. That had not yet been done; so that there was no attack upon the Treasury of any kind or character except merely to investigate regarding the transactions of the Treasury, and there has been not even any bitter criticism, to my knowledge, coming from the committee, through the press, or otherwise, so that the statement that the Treasury is being attacked is a statement which is not founded upon fact. It seems that the only ground for this charge is that Governor Pinchot has interested himself, and that it was proposed to employ Mr. Heney to work under the supervision of the committee. That is not a statement which should have been made.

And then we have a lecture on the Constitution. The President says:

> Under a procedure of this kind the constitutional guaranty against unwarranted search and seizure breaks down.

Unwarranted search and seizure of whom—of what? The Constitution declares that—

> The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause supported by oath or affirmation and particularly describing the place to be searched and the persons or things to be seized.

That applies to an officer going into the habitation of the citizen or into his place of business and there taking his books, his papers, or his property. Who is it that ever before dreamed that when a committee of Congress sent over to another department to get a public document, so that it might look at that public document, it was violating the provision of the Constitution against unreasonable searches and seizures? Who is it, except the particular individual who happens to be President of the United States, who ever dreamed that from the days of Magna Charta, where the roots of the constitutional provision I have just quoted are found, on down through English common law, down to the day when the provision was written into the Constitution, that it applied to the production of papers by one department of the Government to another department of the Government engaged in the legitimate business it is by law authorized to undertake?

I yield to the Senator from Tennessee.

Mr. McKELLAR. Mr. President, I was just going to call the Senator's attention in that connection to the wording of the statute in reference to income-tax returns. They are declared by statute to be public documents, and it is provided that people may be permitted to examine them under rules and regulations laid down by the Secretary of the Treasury.

Mr. REED of Missouri. Of course they are public documents, and they ought to be entirely public.

Mr. McKELLAR. I agree with the Senator entirely on that point.

Mr. REED of Missouri. There is nothing I know of that can be less justified than the idea that if a man files a tax return here with the Federal Government nobody can see it, when in nearly every State of this Union every tax return made by the citizen is public property.

The reason why they are not shown is because wealth has been powerful enough to influence Congress to keep the amount of money that wealth was making secret from the people of the United States. That law ought to be changed. No part of the public business is private. All of it belongs to the public. In my opinion, if a corporation or an individual makes a tax return to the Federal authorities, there is no good reason in the world why that should not be as public as the tax return which the same corporation or individual makes to the State or county authorities where it is located.

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

The PRESIDING OFFICER (Mr. ODDIE in the chair). Does the Senator from Missouri yield to the Senator from New York?

Mr. REED of Missouri. I do.

Mr. COPELAND. Is it not a common thing, may I ask the Senator, to have in municipal governments a department of investigation? For instance, in the city of New York we have a department presided over by the commissioner of accounts. It is his business to go into every public department at least once a year and make a thorough investigation, regardless of its effect upon the morale of the department, to see whether or not there is honest administration of the government. Is there anything unusual in such a procedure as is proposed by the Senate?

Mr. REED of Missouri. Absolutely not; and in many of the States the regular business of the legislature is to appoint committees to investigate the accounts of the various departments of the State government.

Now let me say to the distinguished Senator from Indiana that this investigation of Mr. Mellon's accounts with the Treasury was and is within the scope of this resolution. The resolution provides:

> That the committee shall investigate the Bureau of Internal Revenue and report its findings.

That is very broad language. Under it every act of the Internal Revenue Department, every collection made, and every disbursement had can be looked into. The committee had the right, too, to inquire into Mr. Mellon's returns particularly; but it had equally the right to inquire into my returns or the returns of the Senator from Indiana or anybody else. It had a special right, however, and a special reason, for inquiring into the returns of the companies in which Mr. Mellon was interested, because, being interested, if it should be found that he had discriminated in favor of himself it would have immediately afforded reason for a demand that he should be ousted from that office. So there was a special reason for investigating his accounts and his business; and I am very glad indeed that he has been found to have been a faithful servant, if that be the fact.

They tell us, however, that this interferes with the morale of the 60,000 employees. Why, Mr. President, I repeat what I said a little while ago: If the business is straight, if it is honest, then the man who is conducting it will welcome an investigation. If it is crooked, his morale will be very badly disturbed.

Every two or three months every national bank in the United States is investigated by the keenest kind of an accountant. Does that destroy the morale of the bank? If the president of the bank or the attorney for the president of the bank were to meet the bank examiner and say, "You must quit examining this bank; you are destroying the morale of its employees," there would be an investigation mighty quickly, and a mighty thorough one.

When I hear the special pleader for the Secretary of the Treasury stand upon this floor and say that we are destroying the morale down there, and that we ought not to investigate for that reason, then I am very sure that we ought to have a complete and thorough investigation.

Going back to the other question, I say that the Senate owes it to itself and to its own dignity, the dignity of this department of the Government, to expunge from the records of the Senate the message of the President of the United States, including the letter of the Secretary of the Treasury; and I intend to offer a resolution to that effect.

Mr. McKELLAR. Mr. President, the resolution of the Senator from Indiana [Mr. WATSON] brings about a very peculiar situation.

The resolution authorizing this committee to examine into the affairs of the Internal Revenue Department passed this body unanimously. The committee was carefully selected, and went to work. It seems as long as it was thought there was not to be any specific results, as long as apparently nothing was to come of it, as long—as the Senator from Indiana says—as it was to be confined to recommendations as to improvements in the laws governing the revenue department, it was all right, and even the Secretary of the Treasury declared that it was all right. Not only did he declare that this investigation was all right but he publicly in an interview demanded the investigation in fairness to himself and in fairness to his own companies and in fairness to the public; and yet, Mr. President, the moment it became apparent that there was going to be a real investigation of the Treasury Department we find our distinguished friends on the other side and the Secretary of the Treasury taking a different course. We find the Secretary of the Treasury running to the President and urging him to interfere against further investigation. Simultaneously we find a resolution introduced by the Senator from Indiana asking that the committee be discharged. There seems to be a concert of action in the face of danger.

Why is the Secretary of the Treasury unwilling to go before a committee and have the internal revenue affairs of this Government investigated? What reason is given? I want to tell you for just a moment what he says about it.

In his letter to the President he says:

> 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.

Mr. President, what should the committee do? The Secretary of the Treasury has submitted certain of his tax returns. He has submitted an expert to go before the committee to explain those returns, and without further evidence, and he has decided his own case. He says there is nothing wrong about it. The committee having this matter in charge has not decided anything of this kind. They have made no report. They have not found the affairs of the Secretary correct.

The Secretary here decides his own case. Why is he not willing to submit his case to the committee? Just a few days ago, when he thought, as the Senator from Indiana evidently thought, that there would not be anything in the investigation, he was strong for it, demanding it, declaring that it was his public right, declaring it was the right of his corporations, declaring that it was the right of the public, that his corporations should be officially examined into by this committee. Yet the moment the committee undertook to make a real investigation, to have a real examination, the Secretary tucked tail and ran to the President and asked the President to come to his defense and stop this awful investigation, and the President did.

Listen to this from the President's message of yesterday:

> 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.

Mr. President, it was just a few days ago that the Secretary of the Treasury was demanding that this be done. The Senate unanimously declared that it should be done. The Senator from Indiana was chairman of the committee for the purpose of doing it. Why all this fear upon the part of the Secretary? Why all this fear upon the part of the chairman of the committee that something might be disclosed?

In that connection I think I can give some intimation as to why there is fear upon the part of these gentlemen of an investigation being had. The Senator from Indiana this morning put his finger right on the sore spot; that is, they were afraid, in the first place, that an investigation into the enforcement of the prohibition law might be made.

Mr. President, for 50 years the sober, law-abiding citizens of this country have been fighting for prohibition. They fought for it in the States and afterwards fought for it in the Nation, and after nearly half a century of conflict they obtained a nation-wide prohibition amendment to the Constitution. They congratulated themselves that they had a prohibition law.

As soon as our Republican friends got into office they put in charge of the enforcement of the prohibition law probably the biggest distiller in the United States. What a travesty. Think of it, law-abiding prohibitionists throughout the United States. You who have been fighting honestly and fairly for prohibition all your life, and who obtained it, think of putting this great enforcement law in the hands of a Secretary of the Treasury who has been all his life a distiller, and of course who has never been in sympathy with the enforcement of that law. I have no criticism to make of distillers; but my criticism is against the wisdom of putting in charge of our prohibition laws a man who has nearly all of his grown life been a manufacturer and seller of liquor.

Is it any wonder that the prohibition laws have not been enforced? Would you put the enforcement of the law against smuggling into the hands of a smuggler? Yet this prohibition law has been in the hands of Mr. A. W. Mellon, one of whose businesses, and one of whose principal businesses, I am informed, has been the distillation of liquor and the making of beer?

Mr. President, the other day I asked the junior Senator from Pennsylvania [Mr. REED] to give the amount of the business of the Overholt Distilling Co., of Pittsburgh. Before I get to that, however, I pause to make this statement: The law requires that a Secretary of the Treasury shall dispose of all his bank stock before he becomes the Secretary of the Treasury, and the statement was made by my distinguished friend from Pennsylvania that Mr. Mellon had disposed of all his bank stock. I wonder if he disposed of his bank stock in the same way he disposed of his liquor stock? According to the Senator from Pennsylvania he disposed of his liquor stock by conveying his interest therein to the Union Trust Co. of Pittsburgh, as trustee, to hold it for him. I wonder if the Union Trust Co. holds his bank stock as trustee, stock which he was supposed to have disposed of before he became Secretary of the Treasury?

Was that a disposition of his Overholt stock? Of course not. He is directly interested in that company, and has been; and the mere fact of his putting this stock of liquor in this trust company as trustee merely denudes him of the legal title. He has the equitable title, and the real beneficial interest in it. If that is the way he has disposed of his stock holdings in banks in order to become a member of the Federal Reserve Board and Secretary of the Treasury, I say that he has not conformed with the law, and I say he has not conformed with the law with reference to the disposition of his Overholt Distilling Co. stock in that way.

In reference to this company, I call attention to what the junior Senator from Pennsylvania said the other day when the matter was up for debate. I read from the RECORD:

> As to the quantity of spirits still in the warehouse I am not sufficiently advised to answer accurately, except that I can say positively that every quart that was left there when the prohibition amendment went into effect is there now in so far as it was owned by them. There may have been some withdrawals on certificates that were then outstanding, but the partnership has not sold either a certificate or a drop of the stuff itself, nor has the trustee.

Yes, Mr. President, in the case of United States *v.* Morris Goodman and George Fatkin, it appears that possibly Senator REED is mistaken in his facts. I quote from the Pittsburgh Christian Outlook of April, 1922, in reciting a number of cases that had been nolle prossed, it includes the following:

> United States *v.* Morris Goodman and George Fatkin. In this case the Overholt Distillery was involved, for Fatkin has been superintendent of the distillery under the administration of prominent Pittsburgh people. Goodman secured over 40,000 gallons of whisky on false and fraudulent permits, presumably to be used "for medical purposes," in Beadling, a hamlet of less than 200 people. This case is dropped by Lyon.

Mr. Lyon is the present district attorney.

Mr. REED of Pennsylvania. Will the Senator yield?

Mr. McKELLAR. I yield.

Mr. REED of Pennsylvania. Does the Senator consider that that statement, even if it is an accurate statement of the case, is any contradiction of what I said the other day?

Mr. McKELLAR. I think so; and I think the subsequent part of the statement, which I shall now read, is very, very contradictory of what the Senator said. Of course, I think the Senator has just been misinformed as to the facts.

I read now from the Pittsburgh Christian Outlook:

> The committee—speaking of the Ministerial Union of Pittsburgh—

I imagine the members of the Ministerial Union of Pittsburgh are reputable men of Pittsburgh. I have always found that the Christian ministers of any city or any community are usually reputable people, the very best of people, and I read from what they say.

This is a committee report:

> The committee—speaking of the Ministerial Union of Pittsburgh—then took up a policy of cooperation with the enforcement office here in Pittsburgh. We found the office in such shape that we could expect no real enforcement. Inefficient and corrupt agents were making a laugh and a jest of the enforcement of the prohibition law. For several weeks we labored with Federal Prohibition Commissioner John F. Kramer.

Mr. REED of Pennsylvania. Will the Senator give us the date when this investigation was made?

Mr. McKELLAR. I will. It was in April, 1922.

Mr. REED of Pennsylvania. The commissioner was Commissioner John F. Kramer?

Mr. McKELLAR. I am giving the history of it, which the Senator will understand. I read further:

> For several weeks we labored with Federal Prohibition Commissioner John F. Kramer, who was then in charge at Washington, and at our solicitation and with the presenting of facts that had been gathered by the committee a complete reorganization of the Pittsburgh office took place.
>
> We were able to persuade John N. English, Esq., to become group chief, the appointment being offered Mr. English by Commissioner Kramer. The following three months, January, February, and March of 1921, brought the best enforcement of prohibition in this district since the law became effective. Hundreds of cases were prepared, and with splendid cooperation from Federal District Attorney D. J. Driscoll indictments were secured. These cases were not against the small violator only, but in a number of instances touched the larger political circles of this section. To assist Mr. English and his small corps of Federal agents, the Federated Temperance Committee raised and expended approximately $8,000 in the employment of detectives, purchasing of liquor for evidence, and securing legal advice. This money was given by public-spirited citizens who wished to aid in the undertaking sponsored by the committee.

The work during those three months was a tremendous success. Seizures of whisky were made involving large quantities; 53,000 gallons in one case, carload lots in others. The differential tax on medicinal liquor diverted to beverage purposes alone, in six of the larger cases, amounted to more than $1,000,000. The inner circle of protected politicians was entered, and consternation spread among the bootlegging ring of western Pennsylvania.

SITUATION CHANGED

Then came misfortune. Mr. English was taken seriously ill with pneumonia and, at the order of his physicians, he resigned from the service and set about to recover his health.

The politicians saw their opportunity. A new administration had come in; District Attorney Driscoll was removed instantly and Walter Lyon, lawyer and politician of the old school, was appointed district attorney. Immediately the situation changed, and from that day the bootlegging politician has ceased to worry. The enforcement office under Federal Commissioner Haynes has continued a generally high standard of enforcement and your committee has continued to cooperate with the men who are in authority in this State and the Pittsburgh office. But what is the use of arresting violators who may never be brought to trial?

LYON RESPONSIBLE

Walter Lyon as Federal district attorney in the western district of Pennsylvania is responsible for the cases listed for trial and brought to trial. George V. Moore, who has been designated as the assistant to try the prohibition law violators, is under the direction and control of Mr. Lyon. Mr. Lyon has never been in sympathy with the prohibition movement, and it would seem as though his personal views are setting the standard of conducting the prosecutions.

With the May term of court, 1921, the disappointments under the jurisdiction of Mr. Lyon began. On the May docket there were approximately 400 liquor cases out of a total of 685 for all offenses. In about 100 of these cases pleas had previously been entered leaving approximately 300 liquor cases to be tried. During the entire term three small liquor cases were brought to trial, none of the three being from the splendid list prepared by the enforcement office in Pittsburgh.

Succeeding terms of court have shown no material improvement.

We are informed that during the November, 1921, term of court six liquor cases were brought to trial. In the Erie term, March, 1922, we are told that there were seven violators of the prohibition law tried. In the meantime hundreds of cases have been prepared in addition to the hundreds that have been held over and postponed.

Such conduct on the part of the Federal district attorney's office is inexcusable.

BIG CASES NOLLE PROSSED

But what has become of the larger and more important cases prepared under Mr. English and former District Attorney Driscoll, and in which indictments had been returned? Here is where the real value of Mr. Lyon and his office to come to the help of the "faithful" is shown. Some 83 cases have been presented to the Federal judges with motions to nolle prosse, on the grounds of insufficient evidence to convict. In this number were several of the cases in which your committee had spent hundreds of dollars assisting the Federal authorities to obtain evidence.

Among the number reported in this article was the one against Morris Goodman and George Fatkin, referred to. The article then continues:

But why go on? There are a score of other large cases in which thousands of dollars are involved, and these are continued from term to term. Meanwhile witnesses are vanishing, prohibition agents leave the service and can not be located; the evidence disappears, and we presume it will not be long before Mr. Lyon will be making a motion to nolle prosse all of the other important cases. Law thus becomes a mockery.

Let your committee emphasize that while the motions to drop the cases are made on lack of evidence, we are not able to discover in a single instance where any of our investigators have been summoned before Mr. Lyon and their evidence asked for.

I stop here long enough in the reading of this article to ask what else could be expected from a prohibition law enforcement officer—and Mr. Mellon is the chief prohibition enforcement officer in the United States—when he is in the liquor business himself, and has been all his life or the greater part of his life, and, of course, has no sympathy with the enforcement of that law. We know that the liquor laws are being willfully disregarded all over the country. We know that they are not being enforced and that there is no real effort to enforce them. That is so in every State; but what could be expected when we put into the hands of an enemy of prohibition the enforcement of the prohibition law?

Mr. Mellon, unquestionably by his self-interest, by his lifelong business, is necessarily an enemy of the enforcement of the prohibition laws.

I continue reading——

Mr. REED of Pennsylvania. Mr. President, will the Senator yield? I was interrupted once or twice while the Senator was reading the article.

Mr. McKELLAR. I regret it, because it is a very enlightening article.

Mr. REED of Pennsylvania. I thought I heard the Senator say that this comes from the Ministerial Union in Pittsburgh.

Mr. McKELLAR. It does, and was published in April, 1922, in a religious paper.

Mr. REED of Pennsylvania. And it stated that the administration of the Federal prohibition commissioner, Mr. Haynes, has been efficient and honest? Does it not say something like that?

Mr. McKELLAR. No; it does not go that far. It said that it was until the interests in Pittsburgh were enabled to get the district attorney changed, and when they discharged the old district attorney, who was trying to do his duty, and appointed another district attorney, whose name is Lyons, since that time there has been no prosecution and it does them no good to get evidence. Of course, we understand that that absolutely stops enforcement of the prohibition law.

Mr. REED of Pennsylvania. That is what I was trying to understand from the Senator, whether the article which he has been reading reflected upon the administration of the prohibition law by the Treasury Department or whether it reflected on its administration by the Department of Justice.

Mr. McKELLAR. If the Senator can understand language, and I am sure he can, he will find from reading the article carefully—and if he can not hear it he had better read it—that it reflects on both the national administration and the local administration.

Mr. REED of Pennsylvania. But what I heard seemed to reflect entirely on the Department of Justice, with which Mr. Mellon has no connection.

Mr. McKELLAR. If the Senator will let me finish entirely the reading of the article, he may be better able to understand it. I continue the reading:

EFFORTS ALL IN VAIN

Your committee has not stood by in silence while this condition prevailed. But our efforts have been in vain. Since November, 1921, we have petitioned and urged that the Attorney General's office at Washington grant relief to this western district. On several occasions members of the operating committee have visited Washington, and in consultation with Assistant Attorneys General Rush I. Holland and Mrs. Mable Walker Willebrandt have discussed the matter. On March 8, 1922, we made our last journey to the Capital and with the help of National Counselor Wayne B. Wheeler, of the Anti-Saloon League, made another effort to secure relief. At that time a definite promise was given that an assistant Federal attorney would be put in the Pittsburgh office to bring these liquor violators to trial; that several of the cases which had been nolle-prossed would again be put on the lists; that an effort would be made to speed up all these cases; and that there would be no more nolle-prossing without authorization from Washington.

Mr. Lyon went to Washington the week after our visit and we are now reliably informed that he objects to the appointment of any of the men suggested by your committee at the request of Assistant Attorney General Holland, for appointment in the Pittsburgh office, as this new assistant. The men Lyon is said to have offered to accept are none of them of a type that offers any improvement. We submit it thus becomes perfectly clear to those who think that Lyon, always friendly to the liquor interests, of the type of politician who finds political strength and backing in the liquor traffic, does not intend to have the policy of his office changed, even by the Attorney General of the United States.

BOOTLEGGERS PROFIT

Therefore your committee, in fairness to itself and to every law-abiding citizen in the western district of Pennsylvania, wishes to state emphatically that upon Federal District Attorney Walter Lyon rests the chief responsibility for the present condition of lawlessness here in regard to the eighteenth amendment and the Volstead Act. In the policy of the long delay in bring to trial, of listing only a few and those very unimportant cases, Mr. Lyon has encouraged the bootlegger and the rum runner. He has made the law a "joke and jest," and his administration is to be condemned in no uncertain words by every true American.

In all of this Mr. Lyon has been ably assisted by W. Heber Dithrich, his assistant, formerly "wet" legislator in the Pennsylvania Assembly from the old eleventh district of Allegheny County. Mr. Dithrich's

father conducted a wholesale liquor establishment at Coraopolis, Pa., and Mr. Dithrich has been an able representative of the un-American liquor traffic during his public career.

Mind you, this is at the home of Secretary Mellon, and Secretary Mellon is chief law enforcement officer. Why did he not undertake to have an officer appointed who would carry out the law which it was his duty to enforce?

Mr. REED of Pennsylvania. Mr. President, will the Senator yield again?

Mr. McKELLAR. In just a moment when I shall have concluded reading this article:

As long as a national administration will appoint or countenance the appointment of such men to important public offices, just so long will such an administration be under suspicion. Fine speeches on law enforcement are one thing, and appointment of Federal district attorneys who make the law a jest are another.

In view of all these facts and the deplorable lawlessness that has resulted from these, your committee makes this frank statement as the basis for such action as you desire to take.

B. L. SCOTT,
C. R. ZAHNISER,
G. W. SHELRON,
D. L. MARSH,
Committee.

I now yield to the Senator from Pennsylvania.

Mr. REED of Pennsylvania. Does the Senator mean by his interpolation there that Mr. Mellon is the chief law enforcement officer of the Government?

Mr. McKELLAR. No; I mean this—although, indeed, he is in one sense. He is the head of the prohibition department of the Government for the enforcement of the prohibition law for which this Government, as I remember it, spends $30,000,000 a year or something like that.

Mr. REED of Pennsylvania. $9,000,000.

Mr. McKELLAR. Well, $9,000,000. The enormous sum of $9,000,000 a year is spent for that purpose. I think it is $30,000,000, but whether $9,000,000 or $30,000,000 it is under the control of a chief enforcement officer who is himself opposed to the law.

Mr. REED of Pennsylvania. And does the Senator mean that Mr. Mellon has anything to do with the appointment of the United States attorney in Pittsburgh?

Mr. McKELLAR. Oh, no, of course I do not; but I say that if Mr. Mellon wanted an honest and an efficient prohibition enforcement officer in his own city I have no doubt on earth that Mr. Lyon would be removed and President Coolidge would appoint an efficient officer at his request.

Mr. REED of Pennsylvania. The Senator shoots a scattering fire. I can not make out whether he is directing it against Mr. Mellon or against the Department of Justice.

Mr. McKELLAR. The Senator can take it either way he likes.

Mr. REED of Pennsylvania. I am taking it the way the Senator presents it.

Mr. McKELLAR. Either way he likes, and either way it is just as effective. It is a reflection upon both departments.

Mr. REED of Pennsylvania. I do not think so.

Mr. McKELLAR. It seems to me anyone could understand not only that it is a reflection but it is an indictment of both departments. They ought to be acting in concert for the enforcement of the prohibition law instead of acting as they are, in the interest, as stated by these worthy Christian gentlemen, of not enforcing the law.

Mr. REED of Pennsylvania. Then the worthy Christian gentlemen seem to reflect most severely on the administration of the law prior to January 1, 1921, when the Democrats were in office.

Mr. McKELLAR. No; not then. The Senator has misunderstood it entirely. They said they had every cooperation up until, I think, April or May, 1921.

Mr. REED of Pennsylvania. Yet they spoke of a carnival of liquor violations in 1920, which they went to work and cured by getting a great lot of indictments. That was during Mr. Kramer's administration.

Mr. McKELLAR. Perhaps so.

Mr. REED of Pennsylvania. And he was appointed by the Democrats, was he not?

Mr. McKELLAR. I do not care by whom he was appointed. Any prohibition officer that does not carry out his sworn duty to uphold the law is not doing his duty and ought to be removed from office.

Mr. REED of Pennsylvania. And Mr. Mellon removed him from office, did he not?

Mr. McKELLAR. I do not know. I am perfectly willing to answer the Senator's questions later on, but I want to continue my statement now.

Mr. REED of Pennsylvania. I thank the Senator for yielding to me.

Mr. McKELLAR. If the Senator from Pennsylvania is going to defend the nefarious conduct of law enforcement in the city of Pittsburgh and prohibition law enforcement generally, he is going to have his hands full during the time he is a Member of the Senate.

Now, Mr. President, I want to read another statement. I read from another paper: "Who's who in the liquor business"; and how much more accurate a statement could you imagine than when they say that Andrew W. Mellon is "somebody" in the liquor business.

Mr. REED of Pennsylvania. Will the Senator indicate whether "Who's who in the liquor business" is a magazine to which he subscribes, or what is it?

Mr. McKELLAR. The Senator can look at it and determine for himself.

Mr. REED of Pennsylvania. I thought the Senate might be interested to know from what the Senator is reading.

Mr. McKELLAR. Not only will the Senate be interested in knowing from what the Senator from Tennessee is reading, but, in my judgment, if I do not mistake the membership of this body, they are going to be very much interested in what the Senator is reading. I now propose to read, and I will yield to the Senator later on:

According to a statement published in the New York Times, February 28, 1921, Andrew W. Mellon is quoted as stating that he bought a one-third interest in the Overholt Distillery in 1880—42 years ago. For many years Mr. Mellon's name has been associated with the Overholt Distillery. The cuts reproduced under this title (advertisements before the enactment of the Volstead Act) show offerings to the public of Mr. Mellon's "Old Overholt Rye" for a period of 16 years prior to the adoption of the eighteenth amendment. In this article an interviewer of Mr. Mellon is quoted as stating that before Mr. Mellon became Secretary of the Treasury the Overholt Distillery was turned over to the Union Truck (Trust?) Co., and the statement was further made in this article that the business was "as dead as a polecat killed by Daniel Boone."

Mr. SHORTRIDGE. Mr. President——

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

Mr. McKELLAR. I will yield to my friend later. This is an important matter, and I do not yield now. This article continues:

That the various members of the feline tribe have many lives is indicated in the fact that on September 5, 1922, the Overholt Distillery had sufficiently revived to be selected—

"To be selected"—

out of hundreds of distillery warehouses as fourth on the list of the 25 concentration warehouses of the United States.

The Overholt Distillery was selected. Selected by whom? Selected by the head of the prohibition department, of course. He is responsible for it. Of course, the Secretary of the Treasury did not have any interest in the Overholt warehouse; he had transferred it to a trustee. He owned it; he was entitled to whatever proceeds came from it; but he had no interest in it.

The Senator from Pennsylvania [Mr. REED] gave it as his legal opinion the other day that that transfer absolutely denuded the Secretary of the Treasury of any interest in the warehouse when he conveyed it to a trustee for his own benefit as an active trust. Here is the head of the prohibition department selecting one of his own concentration warehouses as a general concentration camp for liquor that has been outlawed in this country. I wonder what the honest and good prohibitionists of this country will think about it when they know that this law which they have been fighting a long time for is in the hands of a man who, more than any other person in the country, perhaps, is interested in the liquor business? And yet he has no interest in it, according to the technical view of the Senator from Pennsylvania.

When Mr. Mellon became Secretary of the Treasury a long list of his corporate holdings disappeared from the Directory of Directories. The question is, To what extent is Mr. Mellon directly or indirectly interested in the breweries and distilleries and frozen credits involving whisky certificates?

There follows, Mr. President, a statement which I shall ask permission to put into the RECORD, showing that there is concentrated in the twenty-third district of Pennsylvania

6,195,418.8 gallons of liquor. That does not count the forty-three or fifty-three thousand gallons that went on doctor's certificates to 200 persons in the little town of Beadling.

The law provides in unmistakable terms that the Secretary of the Treasury must not be interested in trade or commerce or business when he becomes Secretary of the Treasury. I was delighted to hear the President of the United States assert that this ought to be a Government of law; I indorse that assertion; but the first person to which that principle ought to be applied is the Secretary of the Treasury who is holding his office in violation of law. I ask unanimous consent to insert these whisky figures in the RECORD as a part of my remarks.

The PRESIDING OFFICER. There being no objection, it will be so ordered.

The figures are as follows:

Statistics compiled from the report of the Commissioner of Internal Revenue, for the fiscal year ended June 30, 1922, pages 141–152

TWENTY-THIRD PENNSYLVANIA DISTRICT

	Gallons
Production of distilled spirits, except alcohol	162,475.6
Taxable gallons of distilled spirits gauged, other than fruit brandies:	
Deposited in warehouse	307,108.6
Withdrawn from warehouse on payment of tax	572,323.5
Withdrawn for denaturation	10,975.4
Withdrawn for scientific purposes and for use of United States	2,207.5
Taxable gallons of whisky withdrawn from distillery warehouses for transfer to general bonded warehouses	4,721.8
Taxable gallons of whisky transferred, tax paid, to bottling warehouses for bottling in bond	340,890.2
Taxable gallons of whisky withdrawn from distillery warehouses, tax paid, exclusive of tax-paid spirits transferred to bottling warehouses	78,686.6
Taxable gallons of whisky reported loss by casualty in distillery warehouses (including seizures, fraudulent removals, errors in gauge, etc.)	5,389.5
Nature of casualties in distillery warehouses, quantities in taxable gallons (stolen)	5,452.3
Taxable gallons of whisky remaining in distillery warehouses	6,194,611.4
Taxable gallons of whisky remaining in general bonded warehouses	21,986.7
Taxable gallons of spirits remaining in distillery warehouses by seasons of production, 1911–1922:	
1911:	
Spring	14,795.1
Fall	43,659.2
1912:	
Spring	418,203.3
Fall	239,577.9
1913:	
Spring	724,733.2
Fall	284,053.9
1914:	
Spring	884,446.8
Fall	112,155.4
1915	
Spring	342,500.0
Fall	284,900.4
1916:	
Spring	1,046,534.6
Fall	352,044.4
1917:	
Spring	552,449.7
Fall	107,622.8
1919: Fall	18,391.8
1920:	
Spring	216,304.4
Fall	53,945.4
1921:	
Spring	336,631.8
Fall	162,468.7
Aggregate	6,195,418.8
Taxable gallons of whisky lost by leakage or evaporation from distillery warehouses	121,873.5
Taxable gallons of whisky lost by leakage or evaporation from general bonded warehouses	861.4

Mr. REED of Pennsylvania. Mr. President, will the Senator from Tennessee yield to me?

Mr. McKELLAR. I yield.

Mr. REED of Pennsylvania. In connection with the insertion of what the Senator from Tennessee calls "whisky figures," I desire to ask does not the Senator think that it is about time for him to tell the Senate who wrote them or are they anonymous, like the article which he has been reading?

Mr. McKELLAR. Wait one minute. I will find what the publication is. [Examining.] It is apparently a magazine. It is headed "The Government's Whited Sepulchres and Those Who Are Responsible." I will read further:

What is the matter with the Treasury Department? * * * Correspondence between H. L. Scaife, counsel for the Woman's Clean Government Organization, and Andrew W. Mellon, Secretary of the Treasury.

Mr. REED of Pennsylvania. May I ask the Senator again to yield for a question?

Mr. McKELLAR. Oh, yes; I will yield to the Senator at any time he wishes me to yield.

Mr. REED of Pennsylvania. Is this magazine called the "Whited Sepulchre"?

Mr. McKELLAR. I have read the title to the Senator, and I will read it to him again if he did not understand me.

Mr. REED of Pennsylvania. I should merely like to ask——

Mr. McKELLAR. I will read it again.

Mr. REED of Pennsylvania. Mr. President, I should like to ask the Senator if the name of the angel who guards the "sepulchre" is Vanderlip?

Mr. McKELLAR. It is not a magazine. I am reading from the correspondence that took place between H. L. Scaife, counsel for the Woman's Clean Government Organization, and Andrew W. Mellon, Secretary of the Treasury.

Mr. REED of Pennsylvania. And by whom was it published?

Mr. McKELLAR. I do not know.

Mr. REED of Pennsylvania. Did Mr. Vanderlip publish it?

Mr. McKELLAR. I imagine it was published by the Woman's Clean Government Organization. Surely, it is a document that is worthy of that organization. These women, no doubt honest in their views that the law ought to be enforced, are undertaking to have it enforced.

Mr. REED of Pennsylvania. Does not the Senator——

Mr. McKELLAR. I should like to know if the Senator from Pennsylvania takes an opposite position from that taken by these good women who are trying to enforce the liquor laws of this country?

Mr. REED of Pennsylvania. I am not sure that these are good women.

Mr. McKELLAR. I believe they are.

Mr. REED of Pennsylvania. I am inclined to think that among the "good women" behind that magazine is Mr. Vanderlip.

Mr. McKELLAR. I do not know anything about that, but if the Senator does not know who are the clean women in his State, then it is his fault not mine. [Applause and laughter in the galleries.]

The PRESIDENT pro tempore. The occupants of the galleries are admonished that manifestations of approval or disapproval are not permitted in the galleries of the Senate.

Mr. REED of Pennsylvania. Does it not occur to the Senator that it would be well to know who is hiding behind that title?

Mr. McKELLAR. If the Senator knows, let him say.

Mr. REED of Pennsylvania. If I knew, I would tell who it was.

Mr. McKELLAR. I know that; I am quite sure of that.

Now, if the Senator will permit me, I will proceed:

Treasury Department, Office of the Internal Revenue, Washington, D. C., September 5, 1922.

Mr. A. W. Mellon was Secretary of the Treasury at that time—

(Pro-Mimeograph Coll. No. 3005)

CONCENTRATION BONDED WAREHOUSES

Collectors of internal revenue and others concerned:

The following warehouses are hereby designated as concentration internal revenue bonded warehouses subject to complete technical qualification required of such warehouses. They will be designated according to serial numbers hereinafter set forth as to each warehouse:

* * * * * * *

Warehouse No. 4: A. Overholt Co., Broad Ford, Pa.

* * * * * * *

D. H. BLAIR, *Commissioner.*

I now read from the New York Times. I am sure the Senator from Pennsylvania knows about the New York Times, even if he does not know about the folks in his own State.

WASHINGTON, February 13.—Andrew W. Mellon, of Pittsburgh, reputed to be one of the richest men in the United States, possessing wide business experience and diversified holdings, including, at least until recently, half ownership of the Overholt Distillery, will be appointed Secretary of the Treasury in the Harding Cabinet, in the opinion of Senator Penrose and others.

President-elect Harding had full knowledge of Mr. Mellon's corporation and whisky holdings, and despite this knowledge, it is said here, has asked him to accept one of the most important places in the Cabinet.

* * * * * * *

Mr. Mellon has been criticized in certain quarters because of his alleged ownership of distillery stock; will this have any bearing upon his appointment? Senator Penrose was asked to-day.

And here is what Senator Penrose said, according to the New York Times:

"No importance at all can be attached to Mr. Mellon's ownership of distillery stock, which I understand he acquired as a banking transaction"—

The other statement is that he owned it for 42 years—

replied Senator Penrose. "All this has been well understood, and no interest will exist in the minds of the public because of the proposed change which will take prohibition enforcement from the Secretary of the Treasury and the Commissioner of Internal Revenue and place it under the Department of Justice."

Mr. President, I digress here long enough to refer to the excuse that was made for Mr. Mellon occupying the position of Secretary of the Treasury at that time. Apparently it was understood that in thus occupying the position he was violating the law and it was proposed to take the enforcement of prohibition out of the hands of the Secretary of the Treasury and put it in the Department of Justice. However, that was not done and the enforcement—perhaps I should better say the nonenforcement—of that law has been left with Mr. Mellon ever since, and I believe that the good prohibition, sober, law-abiding men and women of this country will say that I am right in stating that the law has generally been nonenforced.

I continue the reading:

* * * * * * *

It has been proposed, and I have no doubt that the proposition will be formally acted upon at a very early date, that the whole question of enforcing prohibition laws and regulations shall be transferred to the Department of Justice. It is primarily the duty of the Attorney General to see to the enforcement of laws, and as prohibition is in the nature of police regulations, it is a matter that would logically and easily come within the duties of his office.

Should this change be made, and I for one sincerely hope it will be made as early as possible, the Secretary of the Treasury will cease to have any connection with the prohibition question and immediately the Commissioner of Internal Revenue will be divorced from the task.

I read again from the New York Times of February 16, 1921:

Warning Harding on Mellon. Philadelphia churchmen want dry law friend in Treasury.

I digress here long enough to ask was not that a natural desire on the part of the good people, the sober people, all over the United States, who had been fighting for national prohibition for from 25 to 50 years? Is it any wonder that they objected to having that great accomplishment known as the eighteenth amendment put in the hands of a distiller and brewer? Can that be wondered at? If you had a vote, would you vote to put the enforcement of the prohibition law in the hands of a man who really believed in it or put it in the hands of a man who did not believe in it and whose personal and life-long interest had been against prohibition? It seems to me that there can be but one answer to that question. No wonder that the distinguished, able, and eloquent Senator from Indiana [Mr. WATSON] had something to say about the prohibition question. He did not want it examined into. He said if it were examined into, it might take too long, and, judging from the violations of the law under the present control, there is no telling how long it would take to find out the ramifications of this lawlessness. I read:

Philadelphia churchmen want dry law friend in Treasury. Philadelphia, February 15—

This was in 1921—

[Special to the New York Times]

PHILADELPHIA, February 15.—Recognition of the Anti-Saloon League's inquiries concerning the distillery holdings of Andrew W. Mellon, of Pittsburgh, mentioned as the next Secretary of the Treasury, has been taken by Philadelphia clergymen.

At a meeting of the newly formed executive committee of the Interchurch Federation to-day in Witherspoon Hall, this resolution was adopted and ordered to be sent to President-elect Harding:

"The executive committee of the Federation of Churches of Philadelphia expresses the sincere hope that the President-elect will appoint to the position of Secretary of the Treasury some one whose interests and sympathies will be in harmony with the enforcement of the Volstead Act and the eighteenth amendment."

Mr. REED of Pennsylvania. Mr. President, will the Senator give us the date of that?

Mr. McKELLAR. February 16, 1921. That, may I suggest to the Senator from Pennsylvania, was just the time when the employees of the Treasury Department were being rushed to arrange and settle the refund of $3,300,000 to the Gulf Refining Co. before the Secretary should take his seat.

Mr. REED of Pennsylvania. Will the Senator permit me to compliment him on his self-restraint in having refrained from mentioning that for more than three years?

Mr. McKELLAR. I thank the Senator very much, but I have just gotten the facts. After the Senator made his remarkable statement the other day about not a single drop of Mellon liquor even leaking out or working out or being taken out of the concentration warehouse in Philadelphia, I will say to the Senator, I have been very greatly enlightened about the facts, and I am now producing some of the facts for the benefit of the Senate.

I read further:

The Union Trust Co., one of the Mellon institutions, is now registrar—

Remember, the Union Trust Co. is the trustee which now holds the legal title of this liquor in which, according to the Senator from Pennsylvania, Mr. Mellon has no interests. It holds the legal title to it; yes. Mr. Mellon controls it, yes. He is entitled to every dollar of the proceeds of his interest in it, yes; but he has not any interest in it, because it went through that form of law. We have all heard that kind of an excuse.

The Union Trust Co., one of the Mellon institutions, is now registrar for two brewery trusts, owning 31 breweries in Pennsylvania, which in 1918 sold 1,219,401 barrels of beer. See Moody's Industrial Investments (1921): Pittsburgh Brewing Co. and Independent Brewing Co. of Pittsburgh.

TREASURY DEPARTMENT,
COMMISSIONER OF INTERNAL REVENUE,
Washington, April 19, 1922.

(Memorandum for the Secretary of the Treasury.)

Having been advised that a supplemental list of papers, records, and so forth, which are not needed or useful in the transaction of the business of the Treasury Department, and have no permanent value or historical interest, may be submitted, I recommend that the authority of Congress be requested for the destruction of stubs of doctors' prescription blanks, Form 1403, originals of which were issued up to and including June 30, 1921, and which have accumulated in the offices of the Federal prohibition directors of the various States since the national prohibition act went into effect.

D. H. BLAIR.

Ah, Mr. President, what better arrangement could be made for the disposition of needed evidence in whisky cases?

I next read from the New York American of November 28, 1922:

HOPELESS TASK, SAYS MELLON, TO ENFORCE DRY LAW

[By Universal Service]

WASHINGTON, November 27.—Bribery and other evils in prohibition enforcement have led to such general defiance of the Volstead Act that the Cabinet has not been able to agree upon any concrete plan to meet the situation, Secretary of the Treasury Mellon said this afternoon.

I wonder if the dismissal of Mr. Lyon, the district attorney, was brought up at that conference?

Mellon's view is that it would take an army fully to enforce the liquor laws, and that increasing the personnel of enforcement will not accomplish the end sought.

Bribing of prohibition officers by whisky dealers and brewers, who in so many cases escape all penalties, has struck at efficiency in the enforcement unit, he said.

Mr. President, can it be wondered that the prohibition law is not being enforced when the Secretary of the Treasury, whose duty it is to enforce the prohibition law, is a man who has no interest in the enforcement of it and whose every interest is against the enforcement of it? With a man interested in the whisky business, as the Secretary of the Treasury unquestionably is, through himself and the partnership or the corporations of which he is owner, can it be wondered that we have this scandalous lack of enforcement in every city and in almost every community of this country? Why, of course not; and I say to the sober-minded prohibitionists of this country that as long as Mr. Mellon is Secretary of the Treasury and has charge of the enforcement of the prohibition laws in this country we are going to have the same flagrant and scandalous lack of enforcement that now exists. It is a crying shame to this country that our prohibition laws are disregarded in the way that they have been.

Mr. President, during the three years that Mr. Mellon has been at the head of the prohibition department of the Government I think it can be safely said that never has the law been more openly and notoriously flouted, and never has the administration of any law so broken down. How could the Nation expect any thing else? Mr. Mellon has been a distiller all his life, or the greater portion of it. He still owns in substance and effect a distillery which still owns so much liquor that the Senator from Pennsylvania [Mr. REED] would not even venture to say how much it owned. It is fair to assume, from his absolute failure to enforce the law, that Secretary Mellon does not believe in the law. Why should we have passed the prohibition law and then put it into the hands of a distiller to enforce?

I have nothing against distillers. Some of the best people in the land are or have been distillers, perhaps; but I take it that few people who want to enforce a prohibition law would want to turn it over to a man who is in the distilling business, and yet that is what has been done under this administration. There should be in charge of the prohibition department of the Government a man who believes in the law, and who is neither directly nor indirectly interested in having that law violated.

Now, Mr. President, I desire to come to the consideration of another matter. It will take me but a few moments.

The other day it was very vehemently denied by the Senator from Pennsylvania [Mr. REED] that Mr. Mellon had been interested in the refund of $3,300,000 from the Treasury Department to the Gulf Refining Co. in April, 1921, about 30 days after he became Secretary of the Treasury. He said that that transaction had all been completed before, under a Democratic administration, and that he merely gave the check. Ah, Mr. President, I am wondering if there had been a tax refund on in March and April, 1921, by which this Government was to refund to a corporation in which Henry Ford was a stockholder, whether the Secretary of the Treasury would have let that check get out? Suppose W. G. McAdoo had been connected with a company to which it was proposed to make a refund in the last days of the Wilson administration, after it had become known who was to be the next Secretary of the Treasury—is it likely that that check would have been delivered? Never in the world.

I do not know whether those settlements were right or not. Mr. Mellon said the subject ought to be investigated. Why should we stop it, after he has said he wants it investigated, simply because he changes his mind?

Mr. President, I now come to something more specific, perhaps—the Koppers Co. I will ask the Senator from Pennsylvania [Mr. REED] whether he is familiar with that company?

Mr. REED of Pennsylvania. I know something about it; yes.

Mr. McKELLAR. Is that one of the Mellon companies?

Mr. REED of Pennsylvania. It is a company in which Mr. Mellon is very largely interested.

Mr. McKELLAR. If the Senator will look on page 4757 of the CONGRESSIONAL RECORD under date of March 20, 1922—that is just a little more than a year after Mr. Mellon became Secretary of the Treasury—he will find that there was refunded by the Treasury Department to the Koppers Co. and affiliated companies in Pittsburgh $55,699.92.

In that connection I take the liberty of reading an article from the world's largest Legion post, in the county of Douglas, Omaha, Nebr. I see the former Senator from Nebraska, Mr. Hitchcock, in the Chamber, and I suppose he is familiar with that. I will just read this article, published in the Legion paper:

CHARGE MELLON DIVIDED WAR PROFITS WITH GERMAN MINISTER OF MUNITIONS

Secretary of the Treasury Mellon is accused of having divided war profits with the enemy in a statement issued from national headquarters of the American Legion.

Secretary Mellon is a stockholder in the Koppers Co., of Pittsburgh. Another "profit-taking member" of the company, according to the Legion statement, was Heinrich Koppers, German Minister of Munitions.

Mr. REED of Pennsylvania. Mr. President, will the Senator yield at that point?

Mr. McKELLAR. Yes.

Mr. REED of Pennsylvania. I know the Senator does not want to roll the whited sepulcher around in error; and I should just like to say that I happen to know that Mr. Heinrich Koppers's interest in that company was taken by the Alien Property Custodian as soon as we entered the war, and that he did not share in any of the operations of the company after that time.

Mr. McKELLAR. He still owns his interest in it.

Mr. REED of Pennsylvania. Not at all. The Alien Property Custodian sold his interest to American citizens.

Mr. McKELLAR. This comes from the American Legion paper. The Senator is familiar with that. I believe he belongs to that organization.

Mr. REED of Pennsylvania. I do belong to the American Legion, and they may know something about it; but I know more, because I was attorney for the Koppers Co. at that time.

Mr. McKELLAR. Very well. I will just read what they say about it, and then that issue can arise between the Senator and this paper of the Legion.

The Legion statement follows:

A few days ago Andrew W. Mellon gave an interview stating that it would besmirch the honor of being a World War veteran if the former service man accepted an adjusted compensation.

Mr. Mellon may be an authority on honor as it applies to war service. We may spread on the records from official reports on file in the Congressional Library the history of a part of the compensation that the present Secretary of the Treasury received for his war service.

SPLIT WITH ENEMY

There is the Koppers Co., of Pittsburgh—and we have evidence to prove that the president of the Koppers Co. is one of the men who has helped to finance the Ex-Service Men's Anti-Bonus League. The Koppers Co. was under investigation by the Graham committee. Its profits were scrutinized with suspicion—it was testified that at least three employees of the Koppers Co. were also on the pay roll of the United States Government. And who do you suppose was sharing profits with Andrew W. Mellon in the Koppers Co., which was rendering patriotic service to the Government for profit?

Newton D. Baker testified before this committee that one profit-taking member was Heinrich Koppers, and Heinrich Koppers was the German Minister of Munitions—the German war lord who was the man charged with supplying the German Army with the shells and bullets killing and wounding American soldiers. Mr. Mellon split this war bonus with the enemy.

The most illuminating war service rendered by Andrew W. Mellon, assisted by R. B. Mellon and W. L. Mellon, was in the case of the Standard Steel Car Co., of Hammond, Ind., which made carriages for railroad artillery. We may quote from the remarks of Congressman WILLIAM J. GRAHAM, a member of the same political party as Mr. Mellon, who was chairman of the select committee which investigated war expenditures. In volume 50, page 4148, Mr. GRAHAM said:

WITHOUT JUSTICE OR FOUNDATION

"Approximately $2,000,000 was paid to the Standard Steel Car Co., of Hammond, Ind., which was pronounced by the Government accountants to be absolutely without justice or foundation; the award was approved by the fraudulent practices of Col. E. S. Hughes and other officers of the military service whose names are in the record. Civil and criminal proceedings might well be brought in this case."

In volume 60, page 331, Mr. GRAHAM further remarks about this case:

"It is so permeated with fraud and corruption that I do not wonder that any defender of this administration would not care to discuss it."

Mr. GRAHAM, it will be remembered, is a Republican Congressman from the State of Pennsylvania.

Mr. Mellon can not deny his responsibility as a director with this company, but if any further evidence was needed as to prominence of the Mellon family in the affairs of this corporation it is to be found on page 1693 of series 6, volume 2 of the Graham report.

In the testimony of Lewis J. Blankey, assistant supervisor of the Ordnance District Claims Board in Chicago, is found his reply to the question, "Who are the leading men of this Standard Steel Car Corporation?"

BACKED BY THE MELLONS

"It is backed by the Mellons, the bankers of Pittsburgh, and the Mellon-Stewart Construction Co. is interested."

Andrew W. Mellon shared in this $2,000,000 bonus, but that did not begin to approximate the profits made by the Standard Steel Car Co. This corporation did not deliver a single carriage before the armistice. After the armistice it finished 200 carriages, and the War Department spent more than $18,000,000 in this venture.

The Standard Steel Car Co. was permitted to take buildings and machinery that cost $2,900,000 for $600,000, and materials that cost approximately $5,000,000 for $300,000.

Mr. REED of Pennsylvania. Will the Senator yield?

Mr. McKELLAR. I yield.

Mr. REED of Pennsylvania. Just for the sake of accuracy, I would like to call attention to the fact that it was not Congressman GRAHAM of Pennsylvania, as the Senator emphasized a little while ago, but Congressman GRAHAM of Illinois, who said those things.

Mr. McKELLAR. I served in the House with Congressman GRAHAM of Pennsylvania, and perhaps that was why I was led into the error. Of course, I did not intentionally make the error. I acknowledge it; but I say, at the same time, according to my understanding, Congressman GRAHAM of Illinois is a very reputable, splendid man, and a member of the Republican Party.

Mr. President, I want to take just a few moments more to bring attention to another matter. I want to discuss for just a brief time Mr. Mellon and taxes. A great many business men and bankers of this country regard Mr. Mellon as the supreme authority on the question of taxes. They believe he is the greatest authority in the United States on the reduction of taxes. That is surprising, in view of Secretary Mellon's record on taxes, and I want to outline very briefly just what kind of taxes Mr. Mellon has stood for during the three years of his administration, and it will not take long.

As soon as Secretary Mellon had completed the final act by which the Gulf Refining Co., in which he is a stockholder and in which he had but recently been an officer, had obtained a refund of the sum of $3,300,000 of taxes, engineered, it is claimed in a previous administration, but when all the officers and clerks in the Treasury Department knew that Mr. Mellon was going to be Secretary of the Treasury he then, on April 30, 1921, turned his attention to having the taxes taken off of the very rich and placed upon those less able to bear the burden. In a letter to Mr. James W. Fordney, dated April 30, 1921, he made the following recommendations, viz:

1. Repeal the excess-profits tax and make good the loss of revenue by means of a modified tax on corporate profits or a flat additional income tax upon corporations, and the repeal of the existing $2,000 exemption applicable to corporations, to yield an aggregate revenue of between $400,000,000 and $500,000,000.

2. Readjust the income-tax rates to a maximum combined normal tax and surtax of 40 per cent for the taxable year 1921, and of about 33 per cent thereafter. He then takes care to say:

> This readjustment is recommended not because it will relieve the rich but because the higher surtax rates have already passed the collection point.

The first recommendation, on April 30, 1921, was to reduce the surtaxes about 50 per cent and put taxes on corporations of the United States, all corporations alike, at about 12½ per cent.

3. Retain the miscellaneous specific-sales taxes and excise taxes, including the transportation tax, the tobacco taxes, the tax on admissions, and the capital-stock tax, but repeal the minor "nuisance" taxes.

4. Impose sufficient new or additional taxes of wide application, such as increased stamp taxes or a license tax on the use of automobiles, to bring the total revenues from internal taxes after making the changes above suggested to about $4,000,000,000 in the fiscal years 1922 and 1923.

5. The Secretary then makes a most suggestive recommendation:

> Adopt necessary administrative amendments to the revenue act in order to simplify its administration and make it possible, among other things, for the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury and the consent of the taxpayer, to make final determination and settlement of tax cases.

I stop here long enough to say that under that provision, made within 60 days after he became Secretary of the Treasury, there has been paid out, in the three years that he has been Secretary of the Treasury, largely to the big taxpayers of the country, over $300,000,000 in tax refunds—$24,000,000 for 1921, $48,000,000 for 1922, $124,000,000 for 1923, and but recently there was a deficiency bill for $105,000,000 more for 1923, making $300,000,000 in tax refunds—nearly all of it going to the big taxpayers, the packers out in Chicago getting several million dollars, one concern in New York getting $9,000,000, and various others getting smaller amounts.

Mr. REED of Pennsylvania. Does the Senator realize that "the concern" in New York which got $9,000,000 was the estate of O. H. Payne, which the Supreme Court of the United States held had been illegally taxed that $9,000,000, and that that is why the Government had to return it? Does the Senator blame that on Mr. Mellon, too?

Mr. McKELLAR. I do not know what the facts are. I accept the Senator's statement about it.

So that we see this comprehensive plan which Secretary Mellon has consistently, vigorously, determinedly followed ever since he has been in office, namely, to take the taxes off of the very rich and place them upon those taxpayers less able to bear them. His record shows that there has never been a moment in his career as Secretary of the Treasury that this has not been his distinct, open, and notorious purpose, in season and out of season, in Congress and out of Congress, with the best publicity system that any individual in the world ever had, with, perhaps, the exception of President Roosevelt, and he has carried his purpose through. In every instance he has fought for the removal or reduction of taxes on the very rich. It is said that the fact that he is very rich himself has had no influence, but that he was looking solely and alone to the good of the country. That may be so in Mr. Mellon's case; but if it is so, he is an exception to the ordinary rule of human nature. From the beginning of time whenever the interest of the individual is opposed to the interest of all the rest of the people, it is natural for the individual to follow his own interest.

He succeeded in getting some of his views through in that initial effort. He got the excess-profits tax off and he substituted the present corporation tax of 12½ per cent. In other words, he took the tax off of the very rich corporations which were making excess profits and placed them on corporations, whether they made large profits or not. He then recommended the taking away of the exemptions of the small corporations and the poor corporations.

Then I call attention to his second recommendation, made on August 4, 1921. I call the Senate's special attention to these five recommendations:

> Increase the documentary stamp taxes by approximately doubling the present rates, so as to increase the revenue from this source by approximately $30,000,000.
>
> 2. The proposed stamp tax of 2 cents on each bank check.

I do not suppose there was ever a tax more bitterly fought by the banks and by business men of this country than that latter tax. It brought about the first contest between Mr. Mellon and the Congress, and the Congress defeated the recommendations of Mr. Mellon in that regard.

In the third place, he recommended the imposition of 3 cents on first-class postage instead of 2, out of which $72,000,000 was to come.

In the next place, he recommended a tax on all automobiles, of $10 per automobile, whether it was a Ford or a Rolls Royce. He also recommended an increase in the taxes on cigarettes.

Mr. President, these were some of the tax recommendations of the Secretary of the Treasury. Talk about reducing taxes, I doubt if any Secretary of the Treasury, not even excluding Mr. McAdoo in time of war, has ever urged the imposition of greater taxes and more diffused taxes than has Mr. Mellon, and every time he has made a recommendation it was for the purpose, apparently, of taking the taxes off the very rich and putting taxes upon the poorer classes of our people.

He suggested a sales tax in lieu of the higher rates of surtax. He did not recommend it, but he suggested it as a proper arrangement. A sales tax would mean as much to one individual as to another.

Yet the Senator from Indiana said this morning that Mr. Mellon was the best Secretary of the Treasury this country has ever had. That may be true; but Mr. Mellon is not a good guesser. It will be recalled that President Harding, when it was desired that he should veto the bill in September, 1922, called on the Secretary of the Treasury for a statement as to what the state of the finances would be in July, 1923, whether there would be a deficit or a surplus. The Secretary reported that there would be a $650,000,000 deficit, and that on the 1st of January, 1924, there would be a larger deficit. Instead of the Secretary being right there was a surplus of $325,000,000, and the Secretary was wrong in his estimate by $975,000,000. I take it that most any man in this country could have made a survey of the situation and come that near the fact.

Mr. REED of Pennsylvania. Mr. President, will the Senator yield?

Mr. McKELLAR. Certainly.

Mr. REED of Pennsylvania. The evidence before the Finance Committee, which inquired into these estimates within the last two months, showed that the Secretary of the Treasury had nothing whatever to do with the estimate that there would be a $650,000,000 deficit.

Mr. McKELLAR. It was passed out by his department.

Mr. REED of Pennsylvania. It was passed out by the President of the United States.

Mr. McKELLAR. I do not know whether the Senator wants to lay it to the dead President. If he does, that is all right with me. I am reading the President's words, and have them here before me.

Mr. REED of Pennsylvania. The President of the United States never said that he got that estimate from the Treasury Department. As a matter of fact, he got it from other departments.

Mr. McKELLAR. What departments?

Mr. REED of Pennsylvania. The Bureau of the Budget principally.

Mr. McKELLAR. That is under the Treasury Department.

Mr. REED of Pennsylvania. The Bureau of the Budget was not under the Treasury Department in making up the estimates, and the Secretary of the Treasury has nothing to do with it.

Mr. McKELLAR. If it can be in at one time and out at another time I do not know it. The Senator ought to take the word of his own President.

Now, Mr. President, I have already called attention to the enormous tax refunds. I have set them out here in the statement which I ask unanimous consent may be printed in the RECORD.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

The statement referred to is as follows:

The general policy of Mr. Mellon on tax refunds is shown by the figures for 1922, in the RECORD of March 20, 1924, pages 4568 and 4569, and also by the figures for 1923, in the RECORD of March 4, 1924, page 3522. These figures aggregated, for the fiscal year 1921, $28,658,357.95; for 1922, $48,134,127.83; for the fiscal year 1923, $123,992,820. Since that time there has been a deficiency appropriation bill enacted into law which provides for the payment of $105,000,000 additional for the fiscal year 1923. In other words, refunds of Secretary Mellon for the year 1922 was, in round numbers, $28,000,000; 1922, $48,000,000; and 1923, the enormous sum of $229,000,000. Or in all, about $300,000,000, during these three years under his administration. In 1922 there were included among the larger refunds American Trading Co., $547,000; Gulf Production Co., $439,000; Gipsy Oil Co., $255,000. In 1923, among some of the larger refunds were: To Marie Antoinette Evans, Boston, $1,057,000; William Rockefeller, 55 Wall Street, $1,451,000; Cudahy Packing Co., $2,275,000; Florida East Coast Ferry Co., $522,000; International Steel & Ordnance Co., New York, $648,000; Standard Underground Cable Co., Pittsburgh, $120,000.

In 1923, some of the notable refunds were: To Edward L. Doheny, $40,000; Oliver Harriman, $82,000; executors of Oliver H. Payne, New York, $9,658,000; Nellie Miller Nichols, San Francisco, $3,039,000; Marshall Field, $767,000; New Jersey Zinc Co., $1,048,000; Amalgamated Leather, $1,112,000; Singer Manufacturing Co., $1,623,000; General Electric Co., $887,000; John N. Willys, New York City, $1,391,000; Lebaudy estate, $596,000; Sears Roebuck & Co., $113,000; American Vanadium Co., Pittsburgh, Pa., $455,000; M. H. Dodge, New York, $387,000.

The refunds are made secretly; that is to say, there are no open hearings. They are made in the Treasury Department by clerks in that department. They have risen from a total of $28,000,000 in 1921 to the amazing total of $229,000,000 in 1923. For the most part these refunds go to the rich. Whether they are right or wrong, I do not know. How they are obtained from the department I do not know, but I do know that if they continue to increase it will soon constitute a drain upon the Treasury of the United States and a load upon the taxpayers, infinitely larger than any soldiers' bonus. There should be a court set up, wholly distinct and separate from the Treasury Department, to which taxpayers who have paid too much taxes can go and have their tax claims publicly tried and determined. It is a remarkable admission of the Treasury Department, and a reflection upon it, that there must be restored in taxes as much as $229,000,000 a year. What kind of a tax collection system have we, that brings about these enormous mistakes in the collection of taxes from our citizens?

Mr. McKELLAR. I come for just a moment before I close to a violation of section 220 of the internal revenue act.

Mr. REED of Pennsylvania. May I interrupt the Senator again? I regret to do this so often.

Mr. McKELLAR. I do not object to it at all.

Mr. REED of Pennsylvania. Just for the sake of accuracy it is well to have these things corrected.

Mr. McKELLAR. I am much obliged to the Senator. If I am inaccurate, I do not intend it.

Mr. REED of Pennsylvania. The Senator from Washington [Mr. JONES], who is more familiar with the Budget law than I am, tells me that there is absolutely no connection whatever between the Treasury Department and the Bureau of the Budget.

Mr. McKELLAR. What does the Senator say about the statement being made by the President that there was going to be a $650,000,000 deficit, when we have the able, alert, and splendid Secretary of the Treasury, according to the Senator from Indiana [Mr. WATSON] who was talking about him a while ago, and that Secretary not even correcting misinformation like that given out by the Budget and by his own President? Does the Senator know that the Secretary ever corrected it? Here was the statement made about the tax collections in his department, that there would be a deficit in the revenues under the expenses of the Government amounting to $650,000,000. Does the Senator mean to say that the best Secretary of the Treasury that ever occupied the office would let the President of the United States, who had appointed him, make a misstatement of $650,000,000? Is that the position the Senator wants to take?

Mr. REED of Pennsylvania. The President is not making statements with the permission of his Cabinet officers. They have no control over it, nor over the estimates by other authorities in the Government. The Secretary of the Treasury did make his estimates in the proper place, and they did not show anything like that deficit.

Mr. McKELLAR. What did they show? How many million dollars' deficit did they show?

Mr. REED of Pennsylvania. I have not the figures before me, but my recollection is, and Senators who are members of the Finance Committee will correct me if I am wrong, that they showed a decrease in deficit as we approached that year. The last estimates made before the year began showed a slight surplus. I see the Senator from Utah [Mr. SMOOT] in the Chamber, and he may probably remember the figures better than I do. My recollection is there were eight different estimates, that came closer and closer and closer to the facts as business continued to pick up.

Mr. McKELLAR. If I were President of the United States and allowed to say that the Treasury Department would show a deficit of $650,000,000, and that statement was not true and my Secretary of the Treasury did not correct it before the statement was given out, or after it was given out, I would be very doubtful about the ability of my Secretary of the Treasury.

In that connection I overlooked putting in the RECORD a succinct statement of the tax recommendations of the Secretary of the Treasury. I have taken this from his actual recommendations.

In order that we may have in concrete and specific form the various recommendations of Mr. Mellon as to taxes during the three years and one month during which he has been in office, I beg leave to state them one after another:

1. Repeal the excess-profits tax on the rich.
2. Readjust the high income rates on the rich.
3. Retain the miscellaneous specific sales tax.
4. Retain the excise tax.
5. Retain the transportation tax.
6. Retain the tobacco tax.
7. Retain the tax on admissions to theaters.
8. Retain the capital stock taxes.
9. The imposition of a corporation tax of 12½ per cent in lieu of excess-profits tax.
10. Repeal the nuisance taxes.
11. Impose sufficient new or additional taxes "of wide application."
12. Increase the stamp taxes.
13. Fix a license tax on automobiles.
14. Give the Secretary of the Treasury authority to settle and compromise and finally determine taxes (evidently looking to refunds).
15. Doubling all documentary stamp taxes.
16. A stamp tax of 2 cents on each bank check.
17. Three cents first-class postage.
18. Ten dollars on all automobiles, treating Fords and Rolls-Royces alike.
19. Increase taxes on cigarettes from $3 to $5 per thousand.
20. Suggestion that a general sales tax be substituted for existing taxes (evidently high surtaxes).
21. Refunding, through his department, $28,000,000 in 1921; $48,000,000 in 1922; and $229,000,000 for 1923. The greater part of it in large gobs to the very rich.
22. Permitting section 220, by which the very rich are required to pay taxes, to be disregarded.
23. A consistent, vigorous campaign of propaganda to force the Congress to reduce the taxes on the 8,000 very rich income-tax payers in the neighborhood of 50 per cent while all other taxpayers receive only 25 per cent reduction.

Mr. President, with this record I want to say in conclusion that I do not think the Senate of the United States ought to pay any special attention to the recommendations of the Secretary of the Treasury now made in reference to the pending tax bill to the effect that the taxes of 8,000 very wealthy taxpayers of the country be reduced 50 per cent, and of all the other 6,660,000 taxpayers only 25 per cent. I think we ought to do just like the House has done—we ought to disregard the recommendations of the Secretary of the Treasury. As the record shows, the Secretary of the Treasury has forgotten the people generally in his tax recommendations, and all of his recommendations have been class recommendations from the beginning of his official day until now.

About two weeks ago the Senator from Pennsylvania [Mr. REED] filed a copy of a brief prepared by a young man by the name of Wilson, I believe it was, who was formerly Senator Knox's secretary. He said that he indorsed it. He said that Senator Knox had indorsed the brief, but it was not signed by Senator Knox. That brief was prepared for the purpose of showing that Secretary Mellon was eligible under the statute I then read and which I shall not now read, but which I ask permission of the Chair to insert in the RECORD at this point.

The PRESIDENT pro tempore. Without objection the request of the Senator is granted.

The statute referred to is as follows:

SEC. 243. No person appointed to the office of Secretary of the Treasury * * * shall directly or indirectly be concerned or interested in the carrying on of business or trade or commerce or be the owner, in whole or in part, of any sea vessel.

SEC. 3168. Any internal revenue officer who is or shall become interested * * * in the production, rectification, or redistillation of distilled spirits shall be dismissed from office.

SEC. 1783. 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.

Mr. McKELLAR. I have examined the authorities that were submitted in that brief and I am absolutely confident that instead of those authorities sustaining the position of the Secretary's right to hold his office under the statute, they demonstrate his ineligibility to the office. If there is no objection, I would like, as a part of my remarks, without going over the various authorities, to publish a brief that I have prepared in connection with the matter. I ask that that may be printed as a part of my remarks.

The PRESIDENT pro tempore. Is it original matter?

Mr. McKELLAR. It is original matter. Of course the quotations are from the books, but if there is objection by anyone I shall not ask it.

The PRESIDENT pro tempore. It seems to the Chair that the request is directly opposed to the rule of the Senate.

Mr. McKELLAR. Very well. I withdraw the request. There are others who want to speak, and I shall not take any more of the time of the Senate. I have already spoken very much longer than I intended to. At a subsequent time I shall read the brief into the RECORD and further discuss the very remarkable violation of law by the present Secretary of the Treasury in holding on to his office in violation of the statutes above set out.

Mr. REED of Pennsylvania. Mr. President, I ask unanimous consent that when the Senate concludes its business to-day it take a recess until 12 o'clock noon on Monday.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

Mr. WALSH of Montana. Mr. President, in the course of remarks made by me yesterday I charged that the President of the United States had, in a message which he transmitted on that day, denounced the Senate for instituting the investigations which have been conducted under its authority, denounced the committees for pursuing the courses which they have followed in the work in which they have been engaged, and particularly denounced those members of the various committees who have been prominent in presenting to the committees the testimony which has been received by them.

This morning the distinguished Senator from Indiana (Mr. WATSON) in his very eloquent address asserts that I have entirely misconstrued the message of the President and attributed to him views which are not expressed in his communication to the Senate. I of course have no means of knowing whether the Senator from Indiana expresses simply his own construction of the letter of the President or whether, as is often the case, he speaks after consultation with the President and utters the view of the author of that message.

I assume, however, that by virtue of the position he occupies here as one of the spokesmen for the administration, and one of the leading spokesmen I will say, as well as by his personal relations to the President, he speaks the views of the President with respect to the matter. I hope that is the case.

The Senator told us that the President intended in this message to go no further than to express his disapproval of the employment of an attorney by one of the committees, his compensation to be paid by a member thereof and not out of the Treasury. If that is the case, and I say I hope it is, the President is acquitted of sending to the Senate of the United States as arrogant a message, I undertake to say, as since the days of the Tudors and the Stuarts was ever sent by the executive authority to a parliamentary body of English-speaking people.

Mr. GLASS. Mr. President——

Mr. WALSH of Montana. I yield to the Senator from Virginia.

Mr. GLASS. Does the Senator know that the text of the message itself clearly shows that that was not the meaning of the President of the United States? The employment of special counsel at the expense of anybody does not create a condition. It is a mere incident. The President spoke of this as the prevailing condition.

Mr. WALSH of Montana. Of course, I want the President of the United States to interpret his own language; and, of course, if the Senator from Indiana [Mr. WATSON] speaks for the President in his utterance to-day I shall accept it, as a matter of course, as what the President meant. But, Mr. President, I submit that that is not the construction that will be given to this language by any intelligent reader. The Senator from Indiana was cautious not to refer at all to that portion of the message to which I took the liberty on yesterday afternoon of directing the attention of the Senate. I wish to recur to it again. The President did indeed refer to the action of the committee in the employment of the attorney, which was asserted by him to be contrary to the spirit of the statute of the United States, and with that I take no issue whatever. I am willing to admit for the purpose of the discussion that that was the case. Having taken up that subject and having followed it to its conclusion, the President continued with the paragraph to which the Senator from Indiana this morning referred, as follows:

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.

Mr. President, whether the committee of the Senate did or did not proceed in a valid manner to appoint an attorney for the committee in no wise, I submit, refers to or affects the executive departments.

Reference to executive departments and to interfering with the executive departments must, of necessity, as it seems to me, refer to some matter other than the legality of the methods pursued to employ an attorney for the committee.

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—

Of course, that can not refer to the method by which an attorney or counsel is employed for the committee, but it must refer to something done by the committee.

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.

So the President proceeds to call to the attention of the Senate the consequences of this intrusion. He continues:

Under a procedure of this kind—

Of what kind? This intrusion, of course, into the executive departments—

Under a procedure of this kind the constitutional guaranty against unwarranted search and seizure breaks down—

How is the constitutional guaranty against unwarranted search and seizure broken down by the mere matter of employing an attorney in an illegal way?

The prohibition against what amounts to a Government charge of criminal action without the formal presentment of a grand jury is evaded—

How is it evaded by the employment of an attorney in an illegal way more than it would be by the employment of an attorney in a perfectly legal way?

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.

Mr. President, if that does not mean that by virtue of the institution of these investigations and by the intrusion of these investigators into the acts and operations of the various departments there is a reign of lawlessness instead of law, I must confess I have lost my faculty for interpreting English.

Against the continuation of such a condition—

"Condition," Mr. President, as suggested by the Senator from Virginia [Mr. GLASS], can not possibly refer to one isolated act; it must refer to a continuation of a state of circumstances; it must, of course, refer to the condition of recurring investigations of the various departments.

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.

In other words, the departments ought to give us no help whatever in these investigations which we are carrying on. If we ask them for information about them, and call for documents in their possession, they ought not to give us those documents or to aid in any way in uncovering the facts about which the Senate is desirous to be advised.

If it is to continue—

If what is to continue? If this condition is to continue—

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.

That, of course, means that we have departed from a course "in accordance with the usual law of the land"; and again that means a continuing state of facts, a continuing condition, and not the occurrence of a separate and independent fact.

Mr. President, to show that I was not guilty of putting any exceptional or extraordinary or unusual construction upon the language of the President, but gave to it the meaning that was generally attributed to it by the representatives of the press, I desire to submit what the press of the country said about it, and what construction they gave to the language of the President. For instance, in the Philadelphia Public Ledger of this morning, in the article by its regular press correspondent, who, I suppose, was in the gallery at the time and heard the message read, is the following:

President Coolidge sent to the Senate this afternoon one of the strongest messages ever penned at the White House.

In the most emphatic language posible for one arm of the Government to address to another, the President declared "it is time we returned to a government under and in accordance with the usual forms of the law of the land." By his use of the word "returned"—

The article quotes the word—

he charged that Washington had forsaken constitutional government during the weeks of the scandal orgies.

The Philadelphia Inquirer, by its regular Washington correspondent, has the following:

President Coolidge has served notice on the radicals of the Senate that interference with his executive departments must end.

Transmitting a letter from Secretary of the Treasury Mellon in which the latter said he could not be held responsible for the Treasury unless unnecessary interference was prevented, the President bluntly informed the Senate, "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 this course," the President solemnly warned.

The Philadelphia North American, by its regular correspondent, Mr. Angus McSween, a veteran in the gallery here, as every Senator knows, has the following:

President Coolidge, in a message to the Senate, accompanied by a letter from Secretary of the Treasury Mellon, this afternoon challenged the Senate's right to institute and conduct investigations of the executive departments of the Government. He referred specifically to the present investigation of the Internal Revenue Bureau.

The challenge was accepted promptly by the Democrats and independents of the Senate, and the investigation in question undoubtedly will continue.

More than this, the question of the Senate investigations has become an actual issue between the administration and those who have been insisting that the cleaning out of actual and possible corruption in government is of the greatest possible importance to the American people.

Greater political significance is now attached to the issue than ever heretofore.

While the President obviously intended to protest only against further continuance of the tax investigation, and Secretary Mellon in his letter just as manifestly had this alone in mind, their language is sufficiently general to apply to all the investigations the Senate has been making, including the Daugherty and oil-lease inquiries, and has been construed as indicating an effort by the President and his Cabinet aids to put a stop to further disclosures.

The New York Herald-Tribune, a staunch Republican newspaper, has in great headlines "Keep within the law, Coolidge warns Senate inquisitors."

The Washington Herald has the following:

President Coolidge, in one of the most vigorous letters sent to the Senate by any Executive within the last quarter of a century, denounced yesterday the attack on the Treasury Department which has been made by an investigating committee.

The Executive demanded that the investigation be ended, and declared "the state of the Union requires a return to government under and in accordance with the usual forms of law."

The Washington Post, generally regarded, at least in this city, as the official organ of the administration, introduces its report of the proceedings as follows:

President Coolidge in a special message sent to the Senate yesterday sharply rebuked that body, and particularly the special committee investigating the Bureau of Internal Revenue of the Treasury Department. "It seems incredible," the President declared, "that the Senate of the United States would knowingly approve the past and proposed conduct of one of its committees."

The New York Times, which has stoutly supported the President of the United States in connection with these investigations and has on repeated occasions expressed its disapproval of them editorially and otherwise, has the following:

In one of the most sensational utterances that have come from a President of the United States in years President Coolidge told the Senate to-day that in the conduct of its investigation of the Bureau of Internal Revenue it was invading the constitutional rights of Andrew W. Mellon, Secretary of the Treasury, in such a way that "instead of a government of law we have a government of lawlessness."

The New York World, by its veteran correspondent, Mr. Michaelson, has the following:

President Coolidge has on hand the biggest row with the United States Senate that has occurred between the White House and the Capitol in a generation.

In a special message to-day he lectured the Senate on its investigation procedure, particularly the effort to get the tax returns on the companies in which Secretary of the Treasury Mellon is interested; declared that the Senate's course breaks down the constitutional guaranties against search and seizure, ignores the rules of law, subjects the executive department to unformulated and indefinite charges, and bade the Senate return "to a government under and in accordance with the usual forms of the law of the land."

Mr. FLETCHER. Mr. President——

Mr. WALSH of Montana. I yield to the Senator from Florida.

Mr. FLETCHER. May I suggest to the Senator that this lawlessness, according to all the disclosures, and particularly the disclosures in the Department of the Treasury and the Veterans' Bureau, seems to have been inside the department rather than outside.

Mr. WALSH of Montana. Mr. President, I trust that we shall have some assurance from the Senator from Indiana that as a matter of fact all that the President complained of was the specific matter of the employment of Mr. Heney by the committee investigating the Bureau of Internal Revenue, he to be paid by one member of the committee, and that he has no further criticism to make with respect to these investigations, and that his letter was not intended in any manner to criticize either the Senate or its committees except in that particular.

Mr. GLASS. Mr. President——

Mr. WALSH of Montana. I yield to the Senator from Virginia.

Mr. GLASS. If my colleague will permit the suggestion, I do not share in his hope that the Senator from Indiana may be able to do anything of the kind, because, should he give us that assurance, I should lose faith entirely in the intellectual integrity of the President of the United States; and I do not believe for one moment that the President would authorize the Senator from Indiana to give the Senate any such assurance in the face of the text of his message now before us in print.

Mr. WALSH of Montana. However, Mr. President, I trust at least that in some way or other the country will be disabused of the idea which certainly they will gather from the newspaper accounts of the proceedings of yesterday that the President is denouncing the Senate of the United States because they exposed the infamy of Albert B. Fall, because they exposed the awful mess of corruption that characterized the administration of the Veterans' Bureau, and because, sir, they are now engaged in exposing an equally corrupt condition in the Department of Justice. In some way or other, I trust that the idea shall not get out that the President finds reason to complain that somebody's constitutional rights have been invaded in these proceedings, and that it is unfortunate that that should have occurred, even though this state of affairs in the departments to which I have adverted should be revealed.

Mr. REED of Missouri. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Montana yield to the Senator from Missouri?

Mr. WALSH of Montana. I do.

Mr. REED of Missouri. I want to suggest to the Senator that as I interpret this message it is, in the opinion of the President, a lawless act to expose breaches of the law. That seems to be the logic of the situation. I want further to suggest, as to invading the Constitution, that when the former Cabinet officer stood upon his constitutional rights and refused to testify on the ground that he would convict himself of a crime if he did testify, the Senate committee promptly recognized his privilege under the Constitution to take that position if he wanted to, and proceeded no further with him.

Mr. WALSH of Montana. I do not think anyone can complain that his constitutional rights have been in any manner invaded by any of these committees.

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

Mr. WALSH of Montana. I yield.

Mr. KING. Apropos of the suggestion made by the Senator from Virginia [Mr. GLASS], may I invite the attention of the Senator from Montana to the fact that the message of the President synchronized with the action of the Senator from Indiana [Mr. WATSON] in moving to discharge the committee. Obviously the President had been advised of that fact. It looks, therefore, as if the President was not only rebuking the committee because of the employment of Mr. Heney, but he was seeking to prevent further investigation of the department, and in furtherance of that design the Senator from Indiana offers the resolution to discharge the committee.

Mr. WALSH of Montana. It seems as though it was a very fair and reasonable inference that the President's message came here on yesterday in support of the resolution offered by the Senator from Indiana to dismiss the committee investigating the affairs of the Internal Revenue Bureau.

Mr. CARAWAY. Mr. President, will the Senator from Montana permit me, though, to call his attention to this fact: I am sure the Senator from Indiana speaks for the President. I think he came here to interpret to the country the message of the President and the letter of the Secretary of the Treasury. That is the inference, it seems, that he would have us draw from his statement, and I think we all drew that inference, that he knew what was the impelling motive of the President to send his message; and his meaning was, it seems, that neither the President nor the Secretary of the Treasury objected to having the Bureau of Internal Revenue investigated; but when it became apparent that Mr. Pinchot, the Republican Governor of Pennsylvania, was thrusting himself into this investigating committee, and had it employ Heney, and that he was going to investigate the prohibition unit and show that the law had not been enforced, if the investigation did not stop it would disclose the worst scandal that had rocked this country in a decade—it would be a saturnalia of scandal, I believe was the word of the Senator from Indiana. It was against that he said that he wanted to protest, and against that, if he was speaking for the President, and I am sure he was, the President said, "I solemnly protest."

In other words, it was entirely permissible to investigate the legally conducted industry and business of this country, but against our interference with the liquor business by investigating the prohibition unit they both protested.

I am afraid that the Senator from Indiana is going to meet with the same treatment in this case that he had when he rose here and eloquently and forcefully defended the Attorney General in the Morse case. He then assured the Senate that he had talked to Daugherty frequently and that Daugherty had told him he had nothing to do with Morse's pardon; but afterwards, when it was disclosed that Daugherty did represent Morse in that matter, Daugherty repudiated the Senator and said that he never had denied he represented Morse. I make the prediction now that while I believe that the Senator was within his instructions, that he was telling what the President and the Secretary wished and meant by the letter and message; but when the reaction comes the President is going to repudiate the Senator just as he this morning repudiated the Senator from Pennsylvania [Mr. PEPPER], who had gone all the way to frozen Maine to make a "keynote speech," but when the reaction came from Ohio the President said: "You spoke for yourself, Mr. PEPPER. I have nothing to do with it." Now, I just want to warn the Senator from Indiana, before it becomes a habit with him to get repudiated, that he had better look to this particular interpretation of the President's message, because it is going to be repudiated by the President next week.

Mr. WALSH of Montana. Mr. President, I simply want to say in conclusion that if the President's message is properly interpreted as I interpreted it yesterday and as it has been interpreted by the press of the country, it simply means that though the Senate of the United States, when they passed a resolution under which the investigation into the oil leases was prosecuted, had information which led some Senators to believe that the transaction was a corrupt one, the Senate ought not to have done anything about the matter at all. It should have confined itself to the consideration of bills upon the floor and left to the Attorney General of the United States, Harry Daugherty, the matter of investigating any wrongs that were done in the Department of the Interior. There should have been left to Harry Daugherty the matter of exposing the iniquities perpetrated upon the disabled soldiers through the Veterans' Bureau, and by some strange procedure the Department of Justice should have investigated itself and brought to justice those in that branch of the Government who were found derelict in their duty or guilty of corruption in any form.

Mr. President, I insist that the Senate has been strictly within its rights in everything that it did in connection with the ordering of these investigations. I insist, sir, that there is no just cause for criticism of any acts of the Committee on Public Lands and Surveys in dealing with the oil leases, and I believe there is no just cause for criticism in the transactions of the other committees that have been carrying on these investigations.

So, Mr. President, I believe that we ought not to be deterred in the least degree, notwithstanding this fulmination from the President of the United States; but, having once put our hand to the plow, that we should go to the end of the furrow, and hold that the Department of the Treasury is no more exempt from investigation by this body than any other department of the Government, and that they are all subject to our scrutiny and our care. We are responsible to the people of the country and to our respective States for the discharge of this duty. They look to us to exercise in their behalf such supervision over the actions of these departments as we can possibly give to them, and we are derelict in our duty if we do not do so.

Mr. CARAWAY. Mr. President, may I ask the Senator a question just before he takes his seat?

Mr. WALSH of Montana. I yield.

Mr. CARAWAY. If the correct interpretation of the President's message is that he is rebuking the Senate for its investigations—and that seems to be the general opinion, does it not?

Mr. WALSH of Montana. I so gather.

Mr. CARAWAY. If it is, ought he not then to be fearless and honest, and come back with a message and ask us to repeal the resolution under which Mr. Pomerene and Mr. Roberts were employed to bring suits to cancel the oil leases, and have those suits dismissed; and ought he not then to restore Mr. Forbes to the Veterans' Bureau, and return Mr. Daugherty to the Attorney Generalship, and have Mr. Fall reincorporated with his brethren, and let the country return to normalcy?

Mr. McKELLAR. And Mr. Denby.

Mr. CARAWAY. Oh, well, I still do not like to class Mr. Denby with these, because I do not think he belongs with this other class that helped to make the last administration so normal, you know. Would not that be the logical conclusion?

Mr. WALSH of Montana. I must say to the Senator from Arkansas that I do not take exactly that view about it.

Mr. CARAWAY. If we did wrong in revealing the facts that made that thing happen, then why not be courageous and restore everybody to his constitutional right to hold office and corrupt it?

Mr. WALSH of Montana. We can go back further than that, and revoke the order under which the committee that made these disclosures was constituted and appointed.

Mr. CARAWAY. And expunge from the RECORD all evidence of the corruption of Fall and all these others.

Mr. WALSH of Montana. Quite right; but, Mr. President, I want to qualify that answer just to this extent:

The idea that I have in mind is well illustrated by a conversation I had about two weeks ago with a gentleman doing business in Wall Street, New York. He wanted to know from me about these investigations and said to me that they were interfering with business. "Now," he said, "bear in mind, I want to see every guilty man punished. I have no sympathy whatever with the man who is faithless to his trust. If he is guilty of a crime, I want to see him punished." "But," I said, "how will you know that he is guilty unless you conduct an investigation to ascertain that fact? When we started the investigation nobody within the charmed circle, at least, suspected that there was any corruption in connection with the granting of the naval oil leases; and unless we have an investigation of some kind we never will be able to determine whether or not a man should be put upon trial."

So, having conducted the investigation and having exposed the facts under which we think the naval reserves can be recovered, I apprehend that the President would not care to dismiss the attorneys but would like to go on and recover the property, and I give him credit for a very sincere desire to have the perpetrators punished. But, Mr. President, as I understand his message—at least, as I did understand it until the speech of the Senator from Indiana this morning—the President does not want us to conduct any more investigations which will possibly disclose facts which will enable us to recover other lost property or to prosecute other perpetrators of crime.

Mr. CARAWAY. Will the Senator yield to me for just a moment?

Mr. WALSH of Montana. Certainly.

Mr. CARAWAY. If I correctly interpreted the Senator from Indiana—and I always looked upon him as the real spokesman of the administration, although two or three other Senators have tried to jostle him out of his warm place next to the President; but I do not believe they have succeeded, in the minds of the public—I look upon the Senator from Indiana as the real spokesman for this administration of normalcy——

Mr. REED of Missouri. Subnormalcy now.

Mr. CARAWAY. If we are to accept the speech of the Senator from Indiana—and I know it was inspired, or I took it to be inspired—there was not any row between the President and the Senate, but the President was merely fighting with the Republican Governor of Pennsylvania over the head of the Senate, and accusing the Governor of Pennsylvania of trying to get a "toe hold" on him, if I may be permitted to use that expression, by using the Republican Senator from Michigan, and in order to carry out their fight he brought this controversy to the floor of the Senate. Of course, I do not want to interfere in a Republican row. I tried to do that in the kindest spirit the other day by defending Mr. Daugherty against the "lynch law" they had applied to him, when the Senator from Pennsylvania [Mr. PEPPER] showed me that his name was indicative of his temper.

Therefore I interfere in this row between the Republican President and the Republican Senator from Michigan and the Republican Governor of Pennsylvania with hesitancy and with an apology. But, really, if the Senator from Indiana correctly interpreted the cause of the row—and I would say he did; he would not have spoken without knowing that he correctly represented the President, I know, because he is too loyal and too regular—then, really, we should not interfere in this row at all.

The Republican Governor of Pennsylvania used to be able to take care of himself, and the Republican Senator from Michigan seems to be something of a fighter himself. The President has chosen to line himself up against the Republican Governor of Pennsylvania. Does not the Senator from Montana believe that the President ought to clarify his message by saying he is not complaining about the things the Senate has done or anything the resolution contemplated, but was now afraid that it was about to give the Republican Governor of Pennsylvania a chance to discomfort him for not enforcing the law, and therefore he wants the Senate to stop. Is not that about right?

Mr. WALSH of Montana. I assumed that the speech of the Senator from Indiana this morning was in the nature of a communication from the President clarifying the message.

Mr. CARAWAY. And he says that the Governor of Pennsylvania was trying to expose the Republican administration for not enforcing the law.

Mr. McKELLAR. I want to ask the Senator if he has seen that the President repudiated one of his spokesmen? This morning I notice in the Washington Post a statement from the White House as follows:

PEPPER SPOKE FOR SELF, WHITE HOUSE ASSERTS

Senator PEPPER, of Pennsylvania, who has been looked upon as President Coolidge's spokesman on the floor of the Senate and has had frequent conferences with the Chief Executive respecting the administration's legislative program and Republican politics, did not consult Mr. Coolidge before delivering what was generally understood to be a "keynote" speech before the Republican State convention in Maine.

Mr. PEPPER, it was said authoritatively at the White House yesterday, did not submit his speech to the President, and the latter had no knowledge of what it contained. The address was made wholly upon the Senator's own responsibility, it was asserted.

That may be the case with the Senator from Indiana. The President may repudiate him to-morrow.

Mr. CARAWAY. The President will do that, I know. But I was about to say to the Senator from Tennessee that it is evident that Mr. Daugherty also repudiated the speech the Senator from Pennsylvania [Mr. PEPPER] made in Maine, did he not?

Mr. McKELLAR. I do not know about that.

Mr. CARAWAY. I read a letter to that effect. I would like to venture this assertion, and then I will be through, that no one else will drag the Attorney General in a Republican discussion, because the Senator from Pennsylvania [Mr. PEPPER] has quit, I observe. The former Attorney General served notice on all comers that if they wanted to strike at him through the grave of the former President, Mr. Harding, there was going to be a response; and there has been a perfect silence upon the other side ever since.

Mr. REED of Missouri. Mr. President, I submit a resolution. I would like to have it read and it can then lie over until an appropriate time to take it up.

The PRESIDENT pro tempore. The Secretary will read the resolution.

The resolution (S. Res. 213) was read, and ordered to lie on the table, as follows:

Resolved, That the communication of the President of the United States of date April 11, 1924, and the letter of the Secretary of the Treasury of date April 10, 1924, be, and they are hereby, expunged from the records of the Senate.

JAPANESE IMMIGRATION

Mr. SWANSON. Mr. President, I ask unanimous consent to have printed in the RECORD a very brief statement by former Senator James D. Phelan upon the Japanese immigration question. He has made a special study of that question.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The statement referred to is as follows:

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

ANSWER TO AMBASSADOR HANIHARA

Statement of former Senator James D. Phelan, who, with V. S. McClatchy and State Attorney General U. S. Webb, compose a delegation in Washington on the Japanese question, appointed by the American Legion, the National Grange, the American Federation of Labor, and the Native Sons of the Golden West, through their branch organizations in California:

The Japanese ambassador, through the State Department, has communicated a statement to Congress on the pending immigration bill, so far as it relates to Japan. The House bill provides for the exclusion of all aliens ineligible to citizenship, which, under our century-old naturalization laws, are limited to whites and later blacks. He explains and defends the so-called gentlemen's agreement, which gives to Japan the power to issue passports without question to Japanese subjects who are not, in the opinion of Japan, skilled or unskilled laborers. Under this agreement of 1908 the Japanese population of California has more than doubled, but that is not the point—the United States never has before and should not now continue the practice of delegating its sovereign authority to another nation, so the gentlemen's agreement should be revoked and this country should rely upon its own law and enforce it without the aid of any other government. The Senate bill seeks to preserve the gentlemen's agreement and attempts to put the Japanese, as a special privilege, under the quota law; that is to say, to put them on an equality with Europeans to whom the quota law only applied in the past, notwithstanding the fact that they are barred by law from citizenship. In reading the ambassador's letter, it is apparent that this is the crux of the question, and it is the one thing for which he is seriously contending. By making legislative acknowledgment of the Japanese contention for racial equality, Japan wins its case before the Court of the World. Before the Paris conferences, Japan demanded the recognition of this principle, and it was denied by the action of Great Britan, Australia, New Zealand, South Africa, and the United States. The reason for it is just as pressing to-day as it was then. The ambassador says:

"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 ambassador uses the word "susceptibilities" when he means "equality." That is to say, their "susceptibilities" are hurt when they are not put on a parity with Europeans. But what dictated the action in Paris, and what requires our denial of race equality now? If the Asiatics are to be put upon race equality with Europeans, then, logically, our laws will have to be amended sooner or later to permit them to intermarry with our people, to own and lease our lands, and to enjoy the elective franchise. And yet intermarriage, biologically undesirable, if attempted, would destroy homogeneity and tend to mongrelization. As they can not blend, they can not be taken into the family as equals. In the economic field it is well established when they come we go. The national policy already excludes the people of China, India, Burma, Siam, and the Malay Archipelago for the same reasons. It is neither a question of superiority, equality, nor inferiority, but purely one of race divergence which prevent assimilation, and this is something that Congress can not cure. In another and important sense, it is a question of American equality so far as the people of the United States are concerned. The hope of the future of America is in the intermarriage of assimilable peoples, and where potentially there is no intermarriage there can be no equality, and yet equality is the foundation of American institutions. It will be seen, therefore, that it is not a question of Japanese susceptibilities but rather of the assertion of the American right of self-preservation against an insidious danger. If Congress passes the House bill now, Japan will be simply denied again what she vainly demanded in Paris; there will be no compromise of principle on our part and no necessary interruption of friendly international relations.

INDEPENDENT OFFICES APPROPRIATIONS

Mr. WARREN. Mr. President, may we not proceed now to the business of the Senate, and complete the consideration of this appropriation bill? There are only three or four more items. Let me say, in this connection, that the Committee on Appropriations is a sort of tenant at will of the Committee on Immigration, and I do not care to be in its way, and do not care to lose my place; so I hope we may proceed.

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 PRESIDENT pro tempore. The Secretary will continue the reading of the bill.

The reading was continued.

The next amendment of the Committee on Appropriations was under the heading "United States Shipping Board," on page 24, after line 17, to strike out "That no part of the moneys appropriated in each or any section of this act shall be used or expended for the purchase, acquirement, repair, or reconditioning of any ship or article that at the time of the proposed purchase, acquirement, repair, or reconditioning can be manufactured, repaired, or reconditioned when time and facilities permit, in each or any of the navy yards or any Government factory of the United States at an actual expenditure of a sum less than it can be purchased, acquired, repaired, or reconditioned otherwise"; and in lieu thereof to insert:

No part of the moneys appropriated or made available by this act shall, unless the President shall otherwise direct, be used or expended for the repair or reconditioning of any vessel owned or controlled by the Government, if the expense of such repair or reconditioning is in excess of $100,000, until a reasonable opportunity has been given to the available Government navy yards or arsenals to estimate upon the cost of such repair or reconditioning if performed by such navy yards or arsenals within the limit of time within which the work is to be done: *Provided*, That this limitation shall only apply to vessels while in the harbors of the United States, and all expenditures in connection with such work are to be considered in estimating the cost: *And provided further*, That the provisions of this clause shall take effect upon the passage of this act.

Mr. COPELAND. Mr. Presdent, the amendment offered by the committee does not require that where a navy yard makes an estimate and underbids a private establishment the contract shall be let to the navy yard. I think the Senate should thoroughly understand that. This amendment offered by the committee gives reasonable opportunity for the navy yards to bid, but there is no obligation at all upon the Government to accept a bid from a navy yard, even though it should be less than any bid given by a private establishment.

Mr. WARREN. Will the Senator allow me to interrupt him?

Mr. COPELAND. Certainly.

Mr. WARREN. The provision inserted in the House was not recommended by the House committee. It was offered on the floor of the House in the last whirl, as the bill was about to be passed, and it is inapplicable to this particular bill. It was probably taken from some naval appropriation bill. The subcommittee of the Senate Committee on Appropriations, and later the full committee, felt that it was safer to make the bill read as the law now reads and let it go to conference, where it could be corrected. I think I can say to the Senate that after the corrections are made in conference the bill will read more like the language adopted by the House than that recommended by the Senate committee. Many times it is necessary to take a measure to conference in order that the differences may be composed. I think there is nothing in this which should be objected to by anyone who understands the motives of the committee.

Mr. COPELAND. I am very glad to hear the statement of the chairman of the committee, because I think it would be most unfortunate to have the bill read as suggested in the amendment of the committee of the Senate. We have these navy yards, where there are trained naval experts, officers of the Navy, who are our greatest experts in building naval vessels. In addition we have the personnel. So far as it is possible, in my judgment, these contracts should be let to the navy yards, because we ought to keep our men in employment and keep the force of men together. In this way we develop a group of men experienced and sufficient in number to deal with any emergency that might confront the Nation.

I understand it to be the statement of the chairman of the committee that when the bill goes into conference the language of the bill as it passed the House will be accepted in principle by our conferees.

Mr. WARREN. With certain amendments which will make it applicable. The conference will have all these matters before it, and out of them all will produce something that will cover the intent, without obscuring what we want to do or making the section inapplicable.

Mr. COPELAND. I want to make it perfectly clear that the navy yards shall have an opportunity to bid. Likewise, if their bids are lower than those made by private establishments, and the conditions are such that the work can be taken on, the contracts shall be given to the yards, and not to private establishments.

Mr. WARREN. Undoubtedly the work will be so handled; but there are exceptional cases, which the Senator can appreciate. The vessels of the Shipping Board touch at points where there are no navy yards. If a matter of small repair should arise on the other side of the world, let us say, it would be rather unwise to hold a ship there at great expense instead of having some small repair made. We can provide for all that in the conference, of course.

Mr. COPELAND. I want to call attention to the Senator to the language of the bill as it passed the House. Provision is made there to cover every criticism which the chairman offers, because it says that this work shall be done in the navy yards "when time and facilities permit." Of course, if a ship were on the other side of the ocean, and time did not permit, the repairs could not be made in a navy yard, and it should not be attempted. But the language of the House makes ample provision for that contingency. My judgment is that the House plan would be safer and better, and I believe from what the chairman of the committee has said that it harmonizes with his own view. So, in view of all the circumstances, I believe it would be better if we retain the language of the House and did not accept the committee amendment.

Mr. WARREN. The bill as it passed the House provides that "no part of the moneys appropriated in each or any part of any section of this bill," and so forth. So that it covers the entire bill. This is not a naval appropriation bill, except as to the provisions found on a couple of pages of the bill. It takes in the executive departments, the White House, the Civil Service Commission, some District employees, and different things of that sort coming under the Government. Under the language of the bill, if a chair were broken, if a hammer, or anything else of that kind, were needed, they would have to go to a navy yard instead of getting it in the ordinary way, as this could be applied. Of course, that language could be corrected, but we wished to correct it ourselves so that all the matter worth while could be protected.

Mr. ROBINSON. How does the House language compare with the provision in the last naval appropriation bill, or with the provision of law now applicable to this subject? Is the language of the Senate amendment identical, or approximately so, with the provision of law now applicable?

Mr. WARREN. No, not as to a bill of this kind; but it is very similar to the language in the naval appropriation bill, which applies, of course, to the Navy alone. The Senate amendment offered is precisely the present law.

Mr. JONES of Washington. As I understand, the Senate committee recommends just what is in the current law for this year, in the law taking care of the independent establishments.

Mr. ROBINSON. That is the information I wanted.

Mr. CURTIS. It is the law.

Mr. COPELAND. I recognize the justice of the criticism of the language of the House bill as suggested by the chairman of the committee, where it says "or article" in line 21. I take it that under the language as used in the House bill a hammer or a piece of rope or anything else could not be purchased without first applying to a navy yard. I think that provision should be stricken out, but I also think we should make it very clear that when one of our own establishments offers an estimate which is materially lower than that offered by any private establishment the contract should go to the navy yard.

Mr. ROBINSON. Does anyone controvert that position?

Mr. BROUSSARD. Mr. President——

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

Mr. BROUSSARD. I was about to discuss that very phase of it, I will say to the Senator from Arkansas. That proposition is controverted. Where a bond of $10,000 or $20,000 is required, in the past the ship has had to wait until it has secured an estimate from a navy yard, and that involves such a loss of time that there is nothing saved in the operation. But here is the great objection, as I understand it: The estimate submitted by the navy yard is not controlling at all, whereas that of the private concern is controlling. The navy yard may bid $100,000, and when it completes its work, if it costs $150,000, the Government must pay it.

Mr. ROBINSON. Does that happen in frequent instances?

Mr. BROUSSARD. It has happened.

Mr. COPELAND. But on the other hand, in the case of the *Buchanan*, it cost the Government $262,000 more to have that boat repaired in a private yard than it would have cost had it been put into a navy yard. More than that it took 100 days more for the construction in a private yard.

The Senator from Louisiana has raised the question about the bond that would be given and the insurance the Government would have to have as to ultimate cost. My conviction is that if we trust to these naval officers and have confidence in them we ought to take the honor of the naval officers against a bond given by private yards. In the matter of the *Buchanan* bids made by the navy yard it was agreed to do the work in 240 days for $3,842,500. Another bid was received for $3,628,000, the work to be completed in 300 days. As a matter of fact the bid accepted was for $3,990,000 or $262,000 higher, and it took 35 days more to construct it than the navy yard would have taken.

Mr. BROUSSARD. May I suggest to the Senator from New York that any work which is over $100,000 is not contemplated within the provisions of the bill.

Mr. KING. I would like to ask the Senator from Louisiana, with the permission of the Senator from New York——

Mr. COPELAND. I yield to the Senator from Utah.

Mr. KING. Whether under the existing law the Navy Department may bid; and if it fails to construct the ship or repair it within the amount of the bid, the Government is bound to pay the difference?

Mr. BROUSSARD. The Government does not pay the difference. If the cost is greater than the estimate, the Government must pay the navy yard the full amount of the cost.

Mr. KING. It seems to me it is a very important piece of legislation, because, of course, the navy yards under those circumstances, unless they have men of the highest talent and the greatest honor, in their zeal to obtain a contract would make a bid that would be lower in most instances than the actual situation might justify.

Mr. GLASS. Mr. President——

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

Mr. COPELAND. I yield.

Mr. GLASS. The navy yard does not make a bid. It merely makes an estimate within which it may or may not come. The cost of the work may be double what the navy yard estimates, and the Government has no remedy for a situation of that sort.

Mr. KING. It seems to me legislation is needed to remedy that situation.

Mr. SWANSON. Mr. President——

Mr. COPELAND. I yield to the Senator from Virginia.

Mr. SWANSON. Of course the Government has these large navy yards, and then we have the private yards. In some States we have both. We have both in Virginia. It is impossible for a navy yard to get any private business. All of the private business goes to the private yards. Those Government yards have to be kept going in order for the Navy to be taken care of. Consequently, the Government will not allow a navy yard to make a bid. It can only make an estimate. We have tried to get the navy yard to bid for the other departments, but they are not permitted to do so. They only make an estimate of the cost of the work. Their work is simply confined to Government ships, ships that belong to the Shipping Board, which are, of course, Government ships, just as much so as a Navy ship.

There has been a great deal of difficulty in keeping the navy yards running. We are constantly dismissing people from them. Those who think they ought to have a fair show feel that they ought to have an opportunity to bid like anybody else. If a navy yard makes an estimate and it costs more than the estimate to do the work, the Government has not lost anything, because a ship of the Government is being constructed or repaired.

Mr. KING. Mr. President——

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

Mr. COPELAND. I yield.

Mr. KING. I think the Senator is aware of the fact that the Navy Department, in the interest of economy, has recommended the closing of a number of navy yards, but Congress, contrary to a wise and prudent policy, in my opinion, has insisted upon maintaining navy yards that we do not need, and this policy will perpetuate and continue navy yards merely for the purpose of constructing and repairing vessels at costs far beyond what they should be.

Mr. SWANSON. I would like to know what navy yard has been recommended for abolishment that constructs and repairs ships. There are a lot of little stations that may have been so recommended, but the Senator must know there is a difference between a station and a navy yard that cost five or six million dollars. Does the Senator advocate abolishing some of the yards that cost seven or eight or ten million dollars to construct? A great many stations ought to be abolished; but this work is done by large navy yards, with large machinery, with dry docks better than those in any private yard, and costing a great deal more for construction.

It is only a question of whether the Government shall allow its own work to be done in its own yard or whether it will require that it shall be done in private yards. I recognize, of course, that there are cases where the vessels can not get to a navy yard for repair work. If they are in Europe, they are bound to have the work done in private yards. If a ship was in New York or Boston, there is no reason why it should wait to get an estimate from a navy yard. Something ought to be done to enable the work to be done, if it can be done cheaply in the navy yards.

Mr. CARAWAY. Mr. President——

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

Mr. COPELAND. I yield.

Mr. CARAWAY. I have no knowledge of shipyards and navies, but here is a question I wanted to ask: Is it the Senator's idea that, with the Government carrying all the overhead and all the investment and all the risk and all the insurance, it should be permitted to go into business and drive private industry out of business and drive workmen who can not get on the Government pay rolls out of their jobs?

Mr. SWANSON. I do not think so.

Mr. CARAWAY. Is not that the result?

Mr. SWANSON. No. The Government navy yard can not get any private work.

Mr. CARAWAY. May I suggest that the Government ships now constitute practically all the ships that are coming to the ports of this country?

Mr. SWANSON. Oh, no.

Mr. CARAWAY. At least 90 per cent of them.

Mr. SWANSON. Oh, no; the Senator is mistaken.

Mr. COPELAND. Now, Mr. President, if I may be permitted to interrupt the conversation that has been going on, I will continue my remarks.

I want to scold the Senator from Utah [Mr. KING] a little bit. He said things about these naval officers that I would not want to say. He suggested that they might fix up their estimates or bids. I do not believe that any naval officer would do that. I am here to say that where contracts have

been let and bids have been accepted from the navy yard, and at the same time for the same type of vessels a private establishment has taken on a similar contract, the navy yard has had the better of it and the Government has profited by reason of letting the contracts to the navy yard.

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

Mr. COPELAND. Certainly.

Mr. OVERMAN. Is not the whole matter left after all in the discretion of the President of the United States? If he thinks the work can be done cheaper or as cheaply in a navy yard, it is left to his discretion, and if it can be shown that a ship can be built cheaper there, the President will direct that it be built there; if not, that it shall be built somewhere else.

Mr. COPELAND. I have had the suggestion made to me on this side of the chamber that we would not always want to leave it to the President of the United States.

However, I want to make it perfectly clear to Senators that we have these navy yards, we have men under employment, and if the work of the Government is permitted to go there there can be steady employment.

In my city we have the Brooklyn Navy Yard. From time to time, because work is taken away from the navy yard, hundreds and even thousands of men are thrown out of employment. If the work of the Government could be put into the navy yards when there is time in the navy yards to do the work, the personnel could be maintained. We have here a situation where the Senate for several months has been investigating acts on the part of the executive departments of our Government which appeared to indicate that the resources and the property of the Government of the United States have been improperly turned over to private enterprise to the advantage of such private enterprise and to the disadvantage of the Government. While all this has been going on the work of the Shipping Board has been given to private enterprise at handsome profits. That work, according to our information, could have been performed at a great saving to the taxpayers if performed in the Government's own plants.

If the Senate desires the executive departments to refrain from turning the resources of the Government over to private enterprise, it will vote against the committee amendment. My judgment is that the amendment ought to be defeated unless we can have absolute assurance that in conference the spirit of the House language will be adopted, because for my part I am not willing to have the work turned over to private enterprise when we have the machinery and the officers to oversee it, the personnel, and the overhead all there anyhow, and we ought to be doing the work for the benefit of our country. I hope the committee amendment will not prevail.

Mr. CARAWAY. Mr. President, may I ask the Senator a question, because he is an authority and I am not.

Mr. COPELAND. I yield to the Senator from Arkansas.

Mr. CARAWAY. There is just so much work to do, and either the private yards or the Government yards have to lay off men; do they not?

Mr. COPELAND. Yes.

Mr. CARAWAY. Is a man working for the Government any more entitled to have his job made perpetual than the man who has not been so fortunate as to get on the Government pay rolls and has to make an honest living working for himself?

Mr. COPELAND. I think the man working for the Government should be taken care of.

Mr. CARAWAY. Does the Senator think they are more entitled to be taken care of than other men?

Mr. COPELAND. No; I would not say that, nor do I believe it.

Mr. CARAWAY. Is not that the effect of the Senator's statement that if either of the two classes of men have to be idle he wants the men who have not gotten on the Government pay roll to be idle.

Mr. COPELAND. No; I think the Senator is dealing in sophistry.

Mr. CARAWAY. The Senator just now said that there was not work enough to go around, but he wanted the men of the Government to be taken care of and let the other men be laid off.

Mr. COPELAND. There is plenty of work for all, and the men of the Navy Department should be taken care of.

Mr. CARAWAY. The Senator answered just a moment ago and said either the men in the Government yard or those in the private yard had to be laid off. Did not the Senator say that?

Mr. COPELAND. Perhaps I misunderstood the Senator or perhaps he misunderstood me.

Mr. CARAWAY. Very well.

Mr. KING. Mr. President, I think that the Senator from Virginia [Mr. SWANSON] knows that some of the ablest officers of the Navy believe that a number of navy yards owned by the Government should be abandoned. They perceive that even if there was any reason for their establishment, there is no longer any reason for their maintenance. But whenever any suggestion is made that a navy yard, a useless naval station or base be closed, immediately strong opposition is encountered, and not infrequently Senators from States where such yards and stations are located voice vigorous protest. A survey will establish that the facilities of the navy yards owned by the United States are greatly in excess of the needs of the Government and that they are not operating at more than from 25 to 50 per cent of their capacity. The fact of the matter is that two or three of the important navy yards ought to be closed, and many stations abandoned.

Under the four-power pact the construction of capital ships is limited. That of itself calls for the closing of a number of Government navy yards. If we were to close two important navy yards upon the Atlantic coast as well as the Charleston Navy Yard, it would result in saving millions of dollars annually without any disadvantage, indeed, with advantage, to the Government. There are nearly 50,000 civilians employed in yards and shore stations, and the overhead in maintaining these establishments is very large. But efforts to reduce the number of navy yards will prove futile, and if the Navy Department attempts to abandon any of them within the States where the navy yards and stations are found it will be resisted, and powerful forces put into operation to defeat such efforts.

Mr SMITH. Mr. President——

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

Mr. KING. I yield to the Senator from South Carolina.

Mr. SMITH. I may have been mistaken, but did I understand the Senator from Utah to say that the Charleston Navy Yard could be closed to great advantage? Was that the Senator's statement?

Mr. KING. I said that there were at least two of the important naval stations upon the Atlantic coast and the Charleston Navy Yard that could be closed, thus resulting in economies with no disadvantage indeed to the advantage of the Government.

My position briefly is this: More naval establishments have been built than are needed at the present time, and a proper appraisal of all factories, by which our future naval program should be guided, justifies the view that for many years to come the United States will not require the maintenance of all the yards and stations now owned by the Government. Indeed, it may never need many of them. To maintain large navy yards, with their thousands of employees, when not needed by the Government is a waste and extravagance which can not be defended. We will build but few capital ships in the future, the large cruisers will not be constructed. It was supposed that the treaty signed at the Washington Conference would reduce our naval establishments.

I am in favor, may I say, of a strong and a modern Navy. I have opposed some of the plans of the Naval Board, and particularly the 1916 program. I felt that reactionary forces were working in the Navy to prevent the building of a modern and a well-balanced Navy. It seemed to me that the policy being pursued immediately following the war was archaic, was directed by "standpatters" and not by young and up-to-date naval men. The old school I felt controlled and ignored the lessons and experiences of the war. I believed that we should pay less attention to battleships and heavy battle cruisers and emphasize more on submarines and air craft.

And when the four-power treaty was entered into I felt that if the movement for naval disarmament or for a limitation of naval armament were pushed, remarkable advances would be made in the direction of world peace.

Of course, with the abandonment of the 1916 naval program the duty became plain—to reduce the number of navy yards and naval bases and stations.

The situation called for retrenchment and reform. A few navy yards are required; they should be well equipped, modern, and efficient. What we have should be of the best. We should concentrate. Our major naval bases should be powerful and modern in all of their appointments. But we should close all unnecessary plants and yards and stations. The situation calls for reforms in all branches and departments of the Navy.

Mr. SMITH. Of course, Mr. President, the Senator from Utah is perfectly familiar with the fact that the Charleston Navy Yard is the only navy yard south of Norfolk, clear to the Mexican line. I presume he is also thoroughly familiar with

the Atlantic coast and the dangers which are incident to it, and the necessity for having some available place within the 2,700 miles where vessels belonging to the Government, whether they be capital ships or the smaller kind of ships, may have to go where repairs may be made, rather than going around the bone yard of the Atlantic in order to reach some navy yard farther along on the North Atlantic.

Mr. KING. I prefer the Senator from South Carolina should make his speech in his own time.

Mr. SMITH. The Senator from South Carolina will do so.

Mr. SWANSON. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Utah yield; and if so, to whom?

Mr. KING. Let me say to my friend from South Carolina that the question of the Charleston Navy Yard, and, for that matter, other navy yards, is not involved in this bill. When a bill shall come before the Senate which involves the maintenance or abandonment of navy yards, I shall listen with interest, as I always do, to my friend from South Carolina, who speaks so illuminatingly upon every subject to which he addresses himself.

Mr. SWANSON. Now will the Senator from Utah permit me to interrupt him?

Mr. KING. I now yield to the learned and genial Senator from Virginia.

Mr. SWANSON. After those complimentary adjectives I will be brief. I merely wish to say to the Senator from Utah that there never has been any advocacy by anybody or from any source of the proposition to close the Norfolk Navy Yard.

Mr. KING. I agree with the Senator as to that.

Mr. SWANSON. Consequently I can not have any interest in this discussion.

Mr. KING. I wish to assure the Senator that from the investigations which I have made—and let me say that as a layman I have made considerable study of the subject of navy yards—the Norfolk Navy Yard is indispensable, and the Senator from Virginia need have no apprehension that I shall attack it or urge that it be closed.

Mr. WILLIS. Mr. President——

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

Mr. KING. I yield.

Mr. WILLIS. In order that I may ask the question which I desire to ask the Senator, he will have to yield to me and permit me a little time. I do not want to make a speech in his time, but I do really wish to get his opinion upon this matter.

I am in favor of the largest amount of work possible being done in navy yards; but, as I read the language of the bill, at the bottom of page 24, which is proposed to be stricken out by the Senate committee, being the language of the bill as it comes from the other House, it seems to me it would hardly be workable. It does not apply to ships alone; but if the Senator from Utah will notice the language, he will see that, beginning in line 20, it reads:

> or reconditioning of any ship or article that at the time of the proposed purchase, acquirement, repair, or reconditioning can be manufactured, repaired, or reconditioned when time and facilities permit, in each or any of our navy yards.

I call the attention of the Senator to the fact that this bill proposes to make appropriations for several different governmental agencies, for example, the Railroad Labor Board, the Smithsonian Institution, all the independent bureaus and establishments, and so forth. Suppose any of those institutions should desire to have a chair or a table repaired or something of that kind, if it could be shown that such work could be done at a navy yard, is it possible that it is proposed by law to require that it shall be done at a navy yard? For instance, would the Smithsonian Institution be obliged to send to a navy yard in order to get a caster for a chair? Is that the understanding of the Senator from Utah? I should like to understand the object of the proposed legislation.

Mr. KING. I have not carefully examined the provision referred to, but as I listened to the Senator from Ohio read the same I felt that perhaps his view could be supported, unless other language of the paragraph conveyed a different meaning.

There may be some limitation, which I have not read, to the effect that it is to be confined to vessels.

Mr. NORRIS. Mr. President——

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

Mr. KING. I yield.

Mr. NORRIS. I am perfectly willing to take the construction of the Senator from Utah on the proposition submitted by the Senator from Ohio [Mr. WILLIS]. There can be no doubt that it does not apply to a chair or a caster or anything else for the Smithsonian Institution.

Mr. WILLIS. Why does it not, if I may ask the Senator the question?

Mr. NORRIS. Because that institution is not connected with a navy yard or any shipbuilding concern or anything of that kind. All one has to do is to read the language to see that. Nobody wants it to apply to such a thing as the Senator mentioned. It seems to me to be perfectly plain.

Mr. WILLIS. Let me read the language. It says:

> That no part of the moneys appropriated in each or any section of this act—

The words "this act" apply to various departments and not merely to shipyards.

Mr. NORRIS. But the trouble with the Senator is that he does not read far enough. The entire provision is:

> That no part of the moneys appropriated in each or any section of this act shall be used or expended for the purchase, acquirement, repair, or reconditioning of any ship or article that at the time of the proposed purchase, acquirement, repair, or reconditioning can be manufactured, repaired, or reconditioned when time and facilities permit, in each or any of the navy yards or any Government factory of the United States at an actual expenditure of a sum less than it can be purchased, acquired, repaired, or reconditioned otherwise.

It seems to me perfectly plain that the intent of that is to confine it to matters connected with ships and navy yards. I do not think there is any possibility of such a construction as suggested by the Senator from Ohio. Certainly nobody wants to compel a navy yard to make a chair for the Smithsonian Institution.

Mr. WILLIS. But it says "or any Government factory."

Mr. NORRIS. I do not suppose that I can get the Senator from Ohio to agree to the construction I have indicated, but I wish to ask the Senator from Utah, with whom I do not agree on this matter, if he puts any such construction on the language as that placed on it by the Senator from Ohio? We ought to be fair in this discussion, I think, and not put something into it that does not properly belong in it.

Mr. KING. Let me say to the Senator that I did not rise either to combat or defend the proposition to disagree to the House amendment. I only desired to make a brief comment upon another phase of the subject; but in view of the fact that the Senator has asked my opinion, it is my view that the construction which he places upon the section is correct. It reads:

> That no part of the moneys appropriated * * * shall be used or expended for the purchase, acquirement, repair, or conditioning of any ship or article that at the time of the proposed purchase, acquirement, repair, or reconditioning can be manufactured—

And so forth.

That language, it seems to me, limits the purchase to articles that are connected with the repair and conditioning of ships.

Mr. WILLIS. What does the Senator say about the words "or any Government factory"? That does not limit it to ships at all. I call the attention of the Senator to language in line 24, which I think he did not read, as follows:

> In each or any of the navy yards or any Government factory of the United States.

Does not that broaden the scope somewhat? Taking the illustration which perhaps I unfortunately used, suppose that it is desired to repair tables or chairs and there is a Government factory where that can be done.

Mr. KING. I think the words "or any Government factory of the United States" are to be tied, if I may be permitted that expression, to the antecedent subjects, and those would be articles in regard to the conditioning and repair of ships. I think articles connected with the repair or reconditioning of a ship which could not be found in a navy yard but which could be found in a Government factory would then come within the purview of this provision, but they would have to relate to marine matters and the reconditioning of ships.

Mr. WALSH of Massachusetts. Mr. President, I suggest to the Senator that there are some factories in navy yards. One of the navy yards manufactures rope and has a factory for that purpose.

Mr. NORRIS. I presume there are a number of factories in the various navy yards engaged in the production of different articles, but they are always intended to make commodities for ships. Is not that true?

Mr. SWANSON. Factories in navy yards are confined to the manufacture of articles suitable for ships.

Mr. KING. Mr. President, I wish to conclude, and shall yield the floor in a moment. I think the Senator from Arkansas [Mr. CARAWAY] put his finger upon one of the importnat factors in the discussion of this question. I indicated a moment ago that some naval officers, according to information which I have, favor the closing of some navy yards. We propose to continue navy yards, notwithstanding the fact that their capacity is double, and in many instances treble, the actual work which is being performed. It is apparent that all are not needed; but it is likely they will be maintained and operated because of influences—I will not say what they are—that are so often encountered when legislation is sought, no matter how beneficial it is or how imperatively it may be needed.

It would appear that the plan is to have the Navy Department maintain navy yards not needed by it, not required by the Government in its naval policy, in order to keep places for thousands of individuals, and to do work for other agencies of the Government, work which may be called commercial or civil, and which can better be performed by such agencies or by private construction and repair companies.

Of course, those yards required by the Navy Department should be kept open; and there can be no objection to those in charge taking contracts for other work, provided they can compete with private bidders and can give certain assurances that there will be no loss to the Government. And in determining what losses are all proper factors should be taken into consideration.

It would be improper, in my view, to keep navy yards open to bid on contracts for shipbuilding or repair, and to permit bids so low that losses result which must be paid out of the Treasury of the United States. The Senator from Virginia [Mr. GLASS] and other Senators indicated that estimates only were submitted, and that upon these estimates—which in some cases were so low that great losses occurred—the contracts were awarded to the navy yards. It appears there is no bond, no obligation to complete the work within the limits of the estimates submitted. It has just been stated that in one instance there was a loss of more than $100,000 which the Government was compelled to pay. Such a situation is not to be defended; it should not be continued. The prudent thing to do is to close every navy yard not required by the Navy Department.

Mr. HALE. Mr. President——

Mr. KING. I yield.

Mr. HALE. Will the Senator tell me what recommendation has ever been made by the Navy Department about closing navy yards?

Mr. KING. I shall not enter into a discussion of that now; but I assert that competent technical men and some naval officers believe that some yards should be abandoned.

Mr. HALE. I think at one time a report was made, when Secretary Meyer was Secretary of the Navy, commenting on the large number of navy yards that we had; but I do not think that the department ever has made any such recommendation. One of the yards, I may say, is now being kept in an inactive condition.

Mr. KING. I did not say that there had been a formal recommendation by the Navy Department for the abandonment of some of these yards; but the Senator knows from discussions which have taken place that able men in the Navy believe that there ought to be an abandonment of a number of the navy yards.

Mr. DIAL. Mr. President, when you are selecting yards to be abandoned I hope you will go where they are congested and not where we have just one.

Mr. KING. I am not discussing now which yards should be kept in "inactive" condition. This is a polite word for closed; but the proposition is, as I understand, that we shall adopt a policy under which navy yards which ought to be closed shall be continued in existence and in operation, and that in order to justify their continuance we shall permit them to engage in the construction and repair of vessels which would otherwise be built in private yards or in shipyards controlled by the Shipping Board.

Mr. CARAWAY. Mr. President, may I interrupt the Senator?

Mr. KING. I yield.

Mr. CARAWAY. I believe you can come as near to finding out where the navy yards are by watching Senators rise as you can by looking at the map.

Mr. SMITH. And where they are not by the same token.

Mr. CARAWAY. The Senator has already registered the fact that he has one in his State.

Mr. KING. The Senator from New York [Mr. COPELAND], who has assumed to "scold" me, is interested in the Brooklyn Navy Yard, and his interest in that yard gives him the right to scold all differing Senators. Perhaps I should say that because it is reputed that he is a candidate for the Presidency he assumes the right to "scold."

He must have learned from the attitude of the present President, and the message which he delivered yesterday scolding the Senate, that it was his prerogative to chide and castigate now in anticipation of what will occur when he occupies the White House.

Mr. COPELAND. Mr. President, if I learned anything from the experience to-day, it was that the President ought not to scold the Senate.

Mr. KING. I hope the Senator, should he become President, will follow what he has learned to-day. But, seriously, Mr. President, it is worthy of consideration that many private shipyards are being forced into liquidation because there is no work; few ships are being built. It is important that private shipyards and ship-construction companies be permitted to live. When they close, thousands of men are thrown out of employment. It is an unwise policy to subsidize Government shipyards, the losses to be paid by taxing the people in order to keep open navy yards not needed by the Navy Department. It is important that there should be private shipyards in the United States and private companies to construct aircraft. If the Government of the United States proposes to subsidize navy yards for the purpose of driving private yards out of existence, we ought to say so, and say it frankly.

Mr. NORRIS. Mr. President, I do not believe that the question of the abolishment of navy yards is involved in this question.

I have great respect for the opinion of the Senator from Utah [Mr. KING], after he has made an investigation on a question of this kind, as to what should be the policy as to continuing any navy yards that we may have; and I shall probably be with the Senator if an investigation shows that some navy yards ought to be abolished in voting to abolish them. I do not believe, however, that our vote on the question before us ought to be controlled by that. I do not know that any of them ought to be abolished. I think there once was a committee of the Senate that made a report in favor of the abolishment of one or more of the navy yards, but the report was never approved by the Senate, and I did not hear enough of the debate to know how I would have voted on the proposition if I had been compelled to vote on it.

Mr. President, to my mind it seems like a business proposition. The Government has these navy yards. The Government has the ships. It is not because I want to put private shipyards out of business, but when the Government has the ships and has the repair shops it seems to me good business that we should do our work, as far as we can, in our own shops.

I think it is conceded that we can not abolish all the navy yards. We must maintain them as a war proposition, at least some of them—how many I am not prepared to say—but whatever we have now in the way of repair shops we ought to keep open as long as we have work of our own to do. We ought to do that as a business proposition. We do that in our own business. What would you think of the horseshoer who sent his own horses to some other shop to be shod, or the wagon maker who sent his own wagon to some competitor in business to be repaired?

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

Mr. NORRIS. Yes; I yield.

Mr. KING. Does the Senator think that it is wise and proper policy for a Government navy yard to merely submit estimates for the conditioning or building of vessels, and then when it is awarded the contract upon such estimates, and they are so low that loss is inevitable, which loss the Government has to pay, when it could have been constructed by private persons under bond and with no loss to the Government? Does not the Senator think that if the contract is awarded to the navy yard, the Government ought to have some guaranty in the matter?

Mr. NORRIS. The Government can not get a guaranty from itself, as I understand.

Mr. KING. I agree with the Senator.

Mr. NORRIS. It can not expect itself to guarantee itself that it will not lose money if it has the shipyard, we will say, at Brooklyn repair a ship instead of giving it to me as an individual to repair. I can see how we might occasionally lose some money, perhaps. In all the investigations I have ever made—and I have not made very many, but I have made some; I am not on any of the committees that handle these matters but I have made some investigations—every time I have reached the conclusion that the Government has saved money by doing its own work in its own shops.

That is not all, however. If you concede that we must keep these shops as a war proposition, then we must consider in a business way the overhead. If we have to have them, we have our money invested in them. We have to have employees there, at least some of them. We have to keep enough men there so that in case of emergency we could use them as a nucleus to get more. We ought to take that into consideration.

Mr. SMITH. Mr. President, if the Senator will allow me, this is in connection directly with estimates about our Shipping Board; and, according to a statement made by the Shipping Board a few days ago, we have enough vessels now conditioned and ready to take care of the shipping facilities of this country, and under section 28 of the merchant marine act they have certified that fact to the Interstate Commerce Commission. Now, if, antedating our ownership of this great fleet of merchant ships, we had already, as the Senator intimated, constructed these yards and had them ready to do the work, and have this vast fleet of merchant ships, to say nothing of our war vessels and other vessels of different kinds, it would seem the part of wisdom for us to utilize the places where we build and repair for building and repairing the things that we own.

Mr. NORRIS. Why, it seems plain to me. It seems perfectly plain, Mr. President; and in saying that I am not opposing private shipbuilding. I do not want to do private yards an injury; but if the Government is in the business with the shops, the manufacturing concerns necessary to repair ships, then it ought to do it on a business basis as nearly as it can, and it ought to do its own work.

I think that the House text ought to be amended. From my conversation with the Senator from New York [Mr. COPELAND], I think he has an amendment to offer. It ought to apply not only to the naval vessels, but to all other vessels that the Government of the United States owns—the vessels of the Shipping Board and the Emergency Fleet Corporation. They belong to the Government of the United States; and anything I have said in regard to a naval vessel I think as a business proposition applies to them with equal force.

Mr. BROUSSARD. Mr. President——

Mr. NORRIS. I yield to the Senator.

Mr. BROUSSARD. I may say to the Senator from Nebraska that this provision is under the head of "Shipping Board." These are Shipping Board vessels that we are dealing with now.

Mr. SMITH. Not naval vessels.

Mr. BROUSSARD. They are not naval vessels. They are Shipping Board vessels, and for the information of the Senator I may state my understanding of the matter very briefly.

Up to a cost of $100,000 in the way of repairs the amendment proposed by the committee—which is the existing law, by the way—would enable the persons in charge of a ship, say, at Charleston or Galveston, to ask private yards for an estimate, and when the private yard submits that estimate it submits a bond to carry it out in time and in accordance with the specifications. Now, then, let us assume that that vessel needs repairs of $10,000. The closest naval station would be at Norfolk. What the committee has in mind is that it is perfectly ridiculous for the Government to hold that ship at that port and let it make a requisition on a navy yard for an estimate on that work, because it could not be done instantly, and the loss that the Government would sustain in holding that ship until it could ask for bids from the local yard would be more than the expense involved.

Mr. SWANSON. Mr. President, if the Senator will permit me——

Mr. NORRIS. I will yield to the Senator in just a moment.

Mr. BROUSSARD. I may be mistaken as to the closest navy yard.

Mr. NORRIS. I do not care about the distance of the navy yard.

Mr. BROUSSARD. But the argument I am trying to make is this: Let us assume that a ship is in a port where there is no naval station.

Mr. NORRIS. All right.

Mr. BROUSSARD. Then it must ask for an estimate from the closest yard, and then there occurs a delay.

Mr. NORRIS. And the Government yard can make as quick an estimate as the private shipbuilding yard.

Mr. BROUSSARD. They make it locally.

Mr. SWANSON. It says "time and facilities permitting." That language is inserted, because if a ship is in Europe, or Asia——

Mr. BROUSSARD. Which amendment is that?

Mr. SWANSON. I am referring to the House language.

Mr. BROUSSARD. I am not discussing that; I am discussing the Senate committee amendment.

Mr. SWANSON. That is inserted so that if the time and facilities permit they will go to a navy yard. The same thing applies to the naval appropriation bill. We had that question raised during the war. We inserted a provision that if the time and facilities permitted, the work of constructing guns must be done in the navy yards. A contract was given for $400,000 because the authorities wanted to reline some guns, and they could not get the work done in time at the Washington Navy Yard.

Mr. BROUSSARD. I ask the Senator from Virginia this question: Suppose a ship is in Galveston and needs $10,000 worth of repairs; would this not impose conditions which it would be impossible to meet?

Mr. SWANSON. No. It has been decided repeatedly that if repairs are wanted quickly, if a ship can not wait, if time and facilities do not permit of going to a navy yard, they can go to a private yard and have their repairs made. It is left to their judgment.

Mr. BROUSSARD. Who is to construe that?

Mr. SWANSON. The Shipping Board construes it.

Mr. NORRIS. Mr. President, I have listened to the debates on naval appropriation bills for years and years, and it has seemed queer to me that our executive officers—not referring to anyone in particular but to all of them—were inclined, wherever they could, to get repairs to ships made in private shipyards rather than in Government yards.

It never looked to me like a good business proposition. In order to insure that work shall be done at a navy yard it seems to be necessary for Congress to limit the appropriation and provide that the work must be done in a Government yard. Are we going to say that we will discharge everybody from the Government navy yards, let them go, and run the risk in case of war of getting the plants started again and getting the men there so that they can be operated again? Are we to take that risk, and in the meantime let everything go to private shipbuilding yards? I would much rather do that way than to try by all possible means and all technicalities to try to get away from our own shops repairs of our own property.

Of course, as the Senator from Virginia has said, if a ship happens to be in Europe, we can not bring it back and have it repaired at Norfolk unless the injury is of such a nature that it does not need immediate repair and the ship can be operated a while without repairing. It may be in South America, it may be in some port of the United States where there is some small repair necessary, and it would be better to make it there than to take the ship to a navy yard and make it. As far as I am concerned, it seems to me that when we have a ship that needs repair, without getting bids from a private concern, without getting an estimate from a navy yard, we should take it to our own shops and have our own men repair it.

That is what we would do if we were engaged in business, and no matter how much we may want to keep the Government of the United States out of business nobody, as far as I know, in the Senate or out of it, claims that the Government ought to close down all of its navy yards. We want to keep the ability to repair there. We want to keep the men there. Then why, when we have some work which we have to have done, should we not have it done in the navy yard? If it was our own private business, we would not have our competitor make an estimate. We would not consult him at all. We would go ahead in our own shop and make our own repairs, although in that case there might be circumstances under which we would lose money by it. But we have to maintain the overhead, we have the organization, we have the building, we have the machinery, and why not use it? That is what we built it for. That is what we used the taxpayers' money for.

Mr. SMITH. And in many instances we have the material on hand.

Mr. NORRIS. Yes; we have to have a lot of material all the time. They keep it at all the navy yards. Just as a pure business proposition, it seems to me we might do away with all the laws in reference to having estimates made by private parties, and estimates made by the navy yards, before we can let a contract to our own people.

Mr. COPELAND. Mr. President, if I may have the kind attention of the chairman of the committee, I would like to suggest as a substitute for the amendment proposed by the committee a modification of the House language, so as to make it read:

That hereafter no part of the moneys appropriated or made available for the United States Shipping Board or the United States Shipping Board Emergency Fleet Corporation shall be used or expended for the

repair or reconditioning of any ship that at the time of the proposed repair or reconditioning can be repaired or reconditioned, when time and facilities permit, in each or any of the navy yards of the United States at an actual estimated expenditure of a sum less than that for which it can be repaired or reconditioned otherwise.

I have left out all reference to articles, and have made it clear that it refers only to ships of the Shipping Board and of the United States Shipping Board Emergency Fleet Corporation; and that this work shall be done in navy yards only when time and facilities permit. In my judgment, this covers the criticism of the chairman of the committee, and perhaps many of the criticisms which have been expressed upon the floor of the Senate. I offer it as a substitute for the language proposed by the committee.

Mr. SMOOT. The Senator uses the word "hereafter." He had better leave that word out.

Mr. NORRIS. Why not put the word "hereafter" in, and end the matter for all time?

Mr. SMOOT. But we do not know what conditions may arise.

Mr. COPELAND. If there is any dispute about it, I will drop out the word "hereafter."

Mr. NORRIS. The only difference between putting the word "hereafter" in and leaving it out is that if the word "hereafter" is put in it will make it a permanent law, and if it is left out it will be the law for only one year, and we will go over the same thing next year. I would like to have it settled for all time. If it is a good policy for the coming year, it will be a good policy for all time.

Mr. SMOOT. That word is never used in an appropriation bill.

Mr. NORRIS. It is never used in an appropriation bill unless there is a desire that the provision in which it is used shall be made permanent law.

Mr. OVERMAN. The House of Representatives would never agree to that.

Mr. SMOOT. The same thing can be enacted in every appropriation bill.

Mr. NORRIS. I know that; and we can do it again every year.

Mr. COPELAND. I will ask that the word "hereafter" be stricken out, and offer my substitute as stated, with the omission of that word. I offer it as a substitute for the language inserted by the committee.

Mr. WARREN. Let it be read as offered.

The PRESIDENT pro tempore. The Secretary will report the proposed amendment, sought to be inserted.

The READING CLERK. The Senator from New York offers the following as a substitute for the language proposed by the committee:

That no part of the money appropriated or made available for the United States Shipping Board or the United States Shipping Board Emergency Fleet Corporation shall be used or expended for the repair or reconditioning of any ship that at the time of the proposed repair or reconditioning can be repaired or reconditioned, when time and facilities permit, in each or any of the navy yards of the United States at an actual estimated expenditure of a sum less than that for which it can be repaired or reconditioned otherwise.

Mr. SMOOT. I suggest to the Senator that he put in the word "purchase."

Mr. COPELAND. It is suggested that the word "purchase" be included, so as to read "purchase, repair, or reconditioning." I am glad to include that in my substitute.

The PRESIDENT pro tempore. The question is upon agreeing to the amendment proposed by the Senator from New York, as modified, to the amendment of the committee.

Mr. WARREN. I wish to take only a moment. The debate has run far afield from what is before us, the matter of whether we will have the navy yards estimate or not. I am sorry it has gone so far afield. I think the differences which have been expressed show very plainly what those engaged in endeavoring to make appropriations have to contend with.

Sometimes I think that the reference of matters to a small number of conferees, versed in legislation regarding appropriations, is better, and hence the course the committee pursued in undertaking to correct some legislation that was passed last year, and the proposition as it comes from the House. So far as I am concerned, I am willing to accept the amendment as it is offered by the Senator from New York, if that is the wish of the Senate.

Mr. JONES of Washington. Mr. President, I want to say just a word. I think we overlook the fact that the Shipping Board and the Emergency Fleet Corporation are trying to carry on a commercial business. They are trying to run ships as private parties run them, and in competition with private parties. Personally, I would like to see us require the building of our naval ships in the navy yards, and establish that as a definite and fixed policy, so that private shipbuilders will know just exactly what to expect; that they can not expect to get contracts for the building of warships unless the navy yards we decide to keep going are taxed beyond their capacity.

But in the matter of dealing with merchant ships, they have to be operated and run in an entirely different way from the way we run our battleships. If a battleship is delayed a day or two, it does not make any difference. If a ship we are running in commerce, in competition with private ships, is delayed a day, that may mean the difference between profit and loss on that voyage. The Government is running ships in a private way, and I think its interest in making those ships profitable should be taken into account in considering a matter of this kind.

I do not know, but I fear that this will be to a greater or less extent an added handicap on the successful and economic running of our ships, and I do not like to take the risk. The Shipping Board people feel that it would be a very great detriment. If it would not—if the difference in the running of these ships were not as it is—I would be glad to have these shipping repairs made in the navy yards, for the reason that we have a large fixed capital investment there of which we ought to make use. But for the reason that I fear that this may be an added handicap upon the running of our commercial ships and the making of a success of that business, I would rather see the provision stricken out and the provision recommended by the committee put in.

Mr. SMITH. Does not the Senator think that the words "when time and facilities permit" would obviate the trouble he anticipates?

Mr. JONES of Washington. I doubt it. Of course, I can not go into the details of the operations of these ships, but if a private ship that is being run has something wrong with it, and has first to find out whether the navy yards have the time and the facilities that will enable them to do what is necessary to be done, sometimes that might be done in a little while and sometimes it might take more time. I do not know.

The Shipping Board people fear that it will greatly handicap them in the operation of the ships. I do not believe that we ought to take the risk. We can argue it out here and say, "Oh, yes, they can telephone down and get the results in a few minutes and it will not delay," and so forth, but that will not go in business transactions. I do not believe that we ought to take the chance of legislating in this way that will undoubtedly handicap them.

Mr. COPELAND. Mr. President, in reply to what the Senator from Washington has said, it seems to me a little unfair to intimate that the Navy and the men in charge of our United States Government navy yards would not cooperate with another department of the Government and give the prompt attention which should be given.

Mr. JONES of Washington. Oh, Mr. President, I hope the Senator did not draw any conclusion of that kind from what I said. I certainly did not intend to convey any such thought.

Mr. COPELAND. I am glad indeed that I misunderstood the Senator.

Mr. JONES of Washington. I certainly did not intend to have the Senator or anyone understand that they would deliberately delay or anything of that kind. That idea never entered my mind.

Mr. COPELAND. Let me put it in another way.

Mr. JONES of Washington. We have governmental ways of doing things that are entirely different from private ways.

Mr. COPELAND. They ought not to be different from private ways. We ought to have the same sort of business enterprise and "gumption" in governmental departments that they have in private business.

Mr. JONES of Washington. We ought to, but we do not.

Mr. COPELAND. Then it is our business to see that it is done, and let us begin right now.

Mr. JONES of Washington. We will never do it in this way.

Mr. FRAZIER. Mr. President, in the past a great deal has been said about business in Government. It seems pretty strange to me to hear the arguments that have been made on the floor of the Senate this afternoon in regard to this matter. If we are in the shipping business, it is strange to hear talk about Government in business and giving the repair work or building of new ships to outside firms while we have our own navy yards lying idle at a great expense. We also hear a good deal about cutting down taxes. It seems to me that this is one of the places to start right in and cut down taxes by letting the navy yards do this work.

The PRESIDENT pro tempore. The question is upon agreeing to the amendment proposed by the Senator from New York to the amendment of the committee.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was continued.

The next amendment of the Committee on Appropriations was, under the subhead "Emergency Shipping Board," on page 27, line 6, after the words "in excess of," to strike out "$10,000 except the following: One at not to exceed $20,000 and four at not to exceed $15,000 each," and to insert "$11,000 except the following: One at not to exceed $25,000 and six at not to exceed $18,000 each," so as to make the paragraph read:

No officer or employee of the United States Shipping Board or the United States Shipping Board Emergency Fleet Corporation shall be paid a salary or compensation at a rate per annum in excess of $11,000 except the following: One at not to exceed $25,000 and six at not to exceed $18,000 each.

Mr. McKELLAR. Mr. President, I hope this amendment will not be agreed to. It will be remembered that this matter has come up every year. The Shipping Board last year declared that they could not possibly do business unless they had three salaried men receiving salaries of $35,000 a year each. It is now proposed to pay a salary of $25,000 to one and a salary of $18,000 each to six. I say again that this is a waste of the people's money. Those salaries ought not to be paid. A salary of $25,000 a year is $10,000 a year more than the Chief Justice of the United States receives. A salary of $18,000 a year is $3,000 more than the Chief Justice receives.

Admiral Palmer, who is to get $25,000, is a most delightful gentleman and I am sure very efficient. I do not know him very well, but I understand that he is a most excellent man. He received $6,000 a year as admiral in the Navy. I believe he resigned or was retired——

Mr. JONES of Washington. Mr. President——

Mr. McKELLAR. I yield to the Senator from Washington.

Mr. JONES of Washington. I think in fairness I ought to correct the Senator. Admiral Palmer resigned from the Navy several years ago and has been in private business since and was getting a salary of $25,000 a year when he came to the Shipping Board.

Mr. McKELLAR. That may be true.

Mr. JONES of Washington. So I am told.

Mr. McKELLAR. I am not disputing the Senator at all. As a matter of fact, he was admiral in the Navy for many years at $6,000 a year, and that has not been long ago. The idea of giving him four times as much as he received as admiral in the Navy is all wrong. Admiral Palmer would be glad to serve for $20,000 a year. It is a responsible position. He ought to be paid a reasonable salary, but there is no reason in the world why he should be given more than three and one-half times as much as Senators of the United States receive and $10,000 a year more than the Chief Justice of the United States receives. The salaries are all out of proportion and should not be agreed to.

Mr. SWANSON. Mr. President——

Mr. McKELLAR. I yield to the Senator from Virginia.

Mr. SWANSON. I simply want to say in reference to Admiral Palmer that he is an excellent man. I am not controverting the Senator's contention as to this being too large a salary. He was one of the ablest men in the Navy. He was chief of the Bureau of Navigation all during the great World War and made one of the best records ever made in the Bureau of Navigation. He retired voluntarily. The Navy was very loath to give him up. He was young, energetic, and brilliant. He went into private business after he retired.

When we figure on a salary of $6,000 in the Navy, it must be remembered that a naval officer, if he is injured or anything causes his retirement, is retired on three-fourths pay, for the rest of his life. That is one of the reasons why we give them salaries that other people think are not commensurate with the position. In addition to that he gets an allowance for quarters and other perquisites that go with the position, or else he could not support his family. I simply wanted to say this in justice to Admiral Palmer, who is a man of unusual ability as a shipping man.

Mr. McKELLAR. I am glad the Senator interrupted with the statement with reference to Admiral Palmer. I have no doubt he is an efficient man, a splendid man, of great talent and ability, of great honesty and efficiency. I appreciate all that, but for all that I do not think he ought to be paid 40 per cent more than the Chief Justice of the United States.

Mr. WARREN. Mr. President——

Mr. McKELLAR. I yield to the Senator from Wyoming.

Mr. WARREN. I wish to say, so far as Palmer is concerned, that I never knew him until he came before our subcommittee in regard to the bill. He came because I asked that he should come. I had already discovered by looking over the estimates and allowances and what had been done that he had devoted his time to reducing the expenses, and not only the ordinary expenses but the salaries as well. He had reduced them all. As to his own salary, he said to me, "It matters not how much. I can quit any time, of course. But the House concluded that that ought to be my salary. As to the others, I have made the point of $18,000 as being the most that I would pay," and he gave us a list of those to whom he paid that salary. It is not a matter of employing attorneys. There is a traffic manager, a man in charge of operating expenses, another in charge of finances, a general manager, one counsel, and the manager of the United States Lines. Those are the men who are to get $18,000, who formerly received anywhere from $20,000 to $30,000, according to the different positions.

This provision is a moderate one compared to others, both in number and in amount paid. Admiral Palmer is running in the right direction, saving as much money, I believe, as he thinks can possibly be saved. I say very freely that of all the men we have heard before the committee from time to time in Shipping Board and Emergency Fleet Corporation matters—and, of course, I am not saying a word uncomplimentary to any who preceded him—he has every appearance of being one of the best who has been in command.

Mr. ROBINSON. May I ask the chairman of the committee a question?

Mr. McKELLAR. I yield to the Senator from Arkansas for that purpose.

Mr. ROBINSON. What salaries are being paid members of the Shipping Board under the law?

Mr. McKELLAR. I can answer that; $12,000.

Mr. ROBINSON. How many members are there?

Mr. JONES of Washington. There are seven members.

Mr. ROBINSON. The House reduced the salaries authorized by law as to some of the members?

Mr. McKELLAR. No. This does not apply to board members. It applies only to officers.

Mr. ROBINSON. What does the chairman of the Shipping Board get under the statutory authorization?

Mr. WARREN. They all get $12,000.

Mr. ROBINSON. It was proposed at one time to more than double the salary of the chairman of the Shipping Board?

Mr. McKELLAR. Of the Emergency Fleet Corporation.

Mr. ROBINSON. That does appear to be a very large increase.

Mr. McKELLAR. There is nothing personal in this question. The Senator will recall that at every session it has come up, and I have uniformly taken the position that the salaries are wholly out of line with any of the salaries paid by the Government of the United States.

Mr. SMOOT. I think the Senator has a wrong understanding of the question asked by the Senator from Arkansas. The president of the corporation gets $25,000 salary. It is not a $12,000 salary that he gets. The members of the board get $12,000, but the president of the Emergency Fleet Corporation gets $25,000 a year to-day, just what the pending item provides.

Mr. McKELLAR. I did not understand it at all.

Mr. SMOOT. That is the reason why I rose to correct the misunderstanding that I thought the Senator had.

Mr. McKELLAR. If that is true, then it ought not to be done. I think the House provision is ample, and I hope the Senate will uphold the House provision and vote down the Senate committee amendment.

Mr. DIAL. Mr. President, it is a wrong practice to pay one class of employees way out of proportion to what we pay others. It creates dissatisfaction among other Government employees. The amount proposed is too much anyway. Not only that, but the Senate ought not to enact laws to fix the salary of each individual appointed to office. That is a wrong principle. We ought to fix the salary for the position and let people know what they are to get if they accept the position, and if they do not like the salary let them reject it. I am satisfied that the House provision is entirely sufficient. In fact, it is exceedingly high considering the salaries we are paying other employees and officials of the Government.

Mr. FLETCHER. Mr. President, I have a letter from Admiral Palmer, dated January 18, 1924, which will answer some of the questions propounded by the Senator from Arkansas [Mr. ROBINSON]. It sets out the officers of the Emergency Fleet Corporation and their salaries, as follows:

President, L. C. Palmer	$25,000
Vice president, Sidney Henry	20,000
Vice president, William J. Love	25,000
Vice president, Joseph E. Sheedy	25,000
Vice president, W. B. Keene	20,000
Secretary, C. P. Kremer	5,000
Treasurer, T. L. Clear	11,000

The trustees of the Emergency Fleet Corporation include all of the officers listed above except the secretary, and, in addition, the manager of the ship sales and laid-up fleet department, Mr. J. Harry Philbin, is a trustee with a salary of $11,000.

Since this letter was written, largely, I take it, as the chairman suggests, through the activities of Admiral Palmer, the salaries have been reduced; those receiving from $20,000 to $25,000 and formerly to $30,000 have all been reduced to $18,000, as I understand.

Mr. JONES of Washington. That is correct.

Mr. FLETCHER. So that there are now four of these officers who are getting $18,000. Admiral Palmer receives $25,000; I do not understand that his salary has been reduced; and four others are getting $18,000. I do not see any use in having six who are to receive $18,000, as the amendment provides. Therefore, I am offering an amendment. I will ask that this letter be printed in the RECORD, because it deals with the question of salaries and also with the positions under the various vice presidents.

The PRESIDENT pro tempore. In the absence of objection, the letter will be inserted in the RECORD as requested by the Senator from Florida.

The letter is as follows:

UNITED STATES SHIPPING BOARD
EMERGENCY FLEET CORPORATION,
Washington, January 18, 1924.

Hon. DUNCAN U. FLETCHER,
United States Senate.

MY DEAR SENATOR: With reference to your letter of the 15th instant, I am very glad to inform you relative to the names and salaries of the officers and trustees of the Emergency Fleet Corporation, together with the names and salaries of the heads of the various departments.

The officers of the Emergency Fleet Corporation are as follows:

	Annual salary.
L. C. Palmer, president	$25,000
Sidney Henry, vice president	20,000
Wm. J. Love, vice president	25,000
Joseph E. Sheedy, vice president	25,000
W. B. Keene, vice president	20,000
C. P. Kremer, secretary	5,000
T. L. Clear, treasurer	11,000

The trustees of the Emergency Fleet Corporation include all of the officers listed above except the secretary, and, in addition, the manager of the ship sales and laid-up fleet department, Mr. J. Harry Philbin, is a trustee with a salary of $11,000.

There is attached a list showing the names and salaries of the heads of the principal departments under the various vice presidents, and the general counsel.

If there is anything further I can give you in the matter, please call upon me.

Yours very truly,

L. C. PALMER, *President.*

Vice President Henry:	
Statistical department, C. P. Stone	$7,500
Investigation department, Frank Burke	7,500
Surplus property department—	
Plant division, F. I. Tucker	7,800
Transportation and housing division, William Towers	6,000
Deferred liquidation division, E. H. Schmidt	6,500
General comptroller's department, David Burke	7,500
Vice President Sheedy:	
Operating department, W. E. Griffith	10,000
Maintenance and repair department, Capt. R. D. Gatewood (assigned from Navy Department).	
Construction department, Thomas D. Pitts	9,000
Contract department, U. J. Gendron	7,500
Purchases and supplies department, M. W. Bowen	7,500
Vice President Keene:	
Traffic department, F. G. Frieser	8,000
Advertising department, James W. Boring	9,500
Marine insurance department, B. K. Ogden	7,200
General counsel, C. G. Parker	20,000
Admiralty division, G. R. Snider	10,000
Claims division, James Talbert	10,000
Opinions and contract division, Harry Long	8,500

Mr. WARREN. Does not the Senator understand that now there are seven receiving $18,000 or more, and this proposition is to reduce the number to six, leaving only one who would receive $25,000?

Mr. FLETCHER. There are only four, aside from the president, now receiving a salary of $18,000. I move to amend, in line 9, by striking out "six" and inserting "four" in the committee amendment.

The PRESIDENT pro tempore. The amendment proposed by the Senator from Florida to the committee amendment will be stated.

Mr. SMOOT. How would the Senator from Florida select those officials?

Mr. FLETCHER. I do not mean to select them. I mean to cover the four who are now receiving $18,000.

Mr. SMOOT. It may be that I misunderstood the Senator's amendment. He proposes to provide for four, when there are six who are now receiving these salaries.

Mr. JONES of Washington. There are more than that; there are seven.

Mr. SMOOT. There are seven now.

Mr. FLETCHER. Who are the seven? I have just read the list.

The PRESIDENT pro tempore. The amendment proposed by the Senator from Florida to the committee amendment will be stated.

The READING CLERK. In the committee amendment on page 27, line 9, it is proposed to strike out "six" and to insert "four," so that it will read: "four at not to exceed $18,000 each."

Mr. WARREN. I hope that amendment of the committee amendment will not prevail.

Mr. WADSWORTH. Mr. President, the insistence upon this phraseology at all in the bill and the amendment which we adopted a few moments ago indicate how extraordinarily difficult it is for the Government to take part in strictly commercial undertakings.

It is extraordinarily difficult, because Congress can not resist telling the men who are employed how to carry on the business. I think Congress ought to remember that the men who are running the Emergency Fleet Corporation are in the stiffest kind of competition with foreign corporations. The mere matter of $5,000 or $10,000 of salary, more or less, for the president of the Emergency Fleet Corporation is as nothing compared to what might be gained or lost by employing the most efficient man or a less efficient man.

Mr. BROOKHART. Mr. President——

The PRESIDENT pro tempore. Does the Senator from New York yield to the Senator from Iowa?

Mr. WADSWORTH. I yield.

Mr. BROOKHART. Is it not true that foreign corporations in competition with the American corporations pay much smaller salaries to their managing officials than do the American corporations?

Mr. WADSWORTH. No, Mr. President, it is not true; they pay more. Does the Senator from Iowa mean to say that the president of the Cunard Line does not get more than $25,000 a year?

Mr. BROOKHART. Well, what does he get?

Mr. WADSWORTH. I do not remember the figures as to many of those salaries now, but I recall having seen them in former years. The presidents of the big shipping corporations get as much as $50,000 a year.

Mr. BROOKHART. An American running such a corporation would get $150,000 a year, would he not?

Mr. WADSWORTH. He would if he were worth it.

Mr. BROOKHART. They are not worth such salaries, but very often they get them.

Mr. WADSWORTH. Corporations pay their officers what they have to pay them in order to get the ability, just as clients pay lawyers what they are worth.

Mr. BROOKHART. But is it not true that our competitive system has gone to the extent of hiring one another's officers away from competitors for the purpose of crippling them rather than paying them for what they are worth?

Mr. WADSWORTH. I do not quite grant that assumption, either. It is very true sometimes one corporation will outbid another in order to get the ablest man that the market affords. It is competition that does it, however, in any event. Whatever the collateral motives may be, they may all be grouped under one term—competition.

The Emergency Fleet Corporation is a business corporation which is in terribly severe competition with every other shipping corporation in the world, or certainly with every foreign shipping corporation. We should get it into our minds that the president of the Emergency Fleet Corporation is not to administer the laws of the United States as does a Cabinet officer. As a member of the Shipping Board he is not a governmental executive, but he is the president of a business corporation which has been created by the Government of the United States. He is just as much the president of a corporation as is the president of the Cunard Line or the Lamport & Holt Line, or

any of the great shipping concerns, and he is faced with the same problems. It is not fair in any sense to compare his salary with that of the salary of the Chief Justice of the Supreme Court of the United States.

Mr. FLETCHER. I have not proposed to change that.

Mr. WADSWORTH. He is managing a competitive business. If the Congress constantly places restrictions on this strictly business organization which we have, how can it be a success?

As the Senator from Washington said a few moments ago in regard to the repair of ships in the navy yards, there is no Senator on this floor who knows exactly how that will work out, because there is not a Senator on this floor—I think I am fairly accurate in saying that—who knows anything about ships or has ever engaged in that business, so far as I know. Yet in our self-confidence we will insert legislative restrictions on this purely business organization, putting our judgment over theirs, and insisting that they shall do business in just such a way and in no other way. Then we wonder why one can not make a success of business.

The matter of difference in salaries is picayune as compared to what may be lost if we do not get and hold a man who is competent to compete with the best shipping men in the world. This fleet is larger than the fleet under any other single management in the world; yet we insist that its president shall receive a lower salary than the presidents of other corporations who have less property under their charge and smaller responsibility.

Mr. JONES of Washington. Mr. President, I wish to say merely a few words. I find from the list of officers of the Shipping Board that Mr. Henry, vice president, received $20,000; Mr. Keene, $20,000; Mr. Palmer—this was before he was promoted to the presidency, when he was a vice president—$20,000; Mr. Sheedy, vice president, $25,000; and Mr. Parker, counsel, $20,000. The salaries of these officers have been reduced to $18,000, with the exception of the salary of the president, which is $25,000, and I think that we ought not to interfere with that.

Confirming what the Senator from Wyoming has said, Mr. Palmer went in as head of the Emergency Fleet Corporation just two or three months ago. He has practically reorganized it and is trying to put it on an efficient and an economical basis. He himself reduced the salaries of these high officials down to $18,000 a year. He came to my office to ask me about it, and I said, "Cut them as far as you feel you possibly can without affecting the efficiency of your work." He said, "I think I will cut them to about $18,000." I myself suggested possibly he might cut some of them to $15,000; but he said, "I do not think it is wise to do that at the present time." So he did cut them down to $18,000. This bill provides that they shall not be paid more than that. I feel satisfied that, if he feels he can do so without affecting the efficiency of his organization, he will reduce the salaries further; but I do not believe that we ought to show our distrust, so to speak, of a man who is acting in that sort of a way and trying to put the organization on an efficient and economical basis. I think his action shows that we can trust him to do what he thinks is the right thing to do, and I believe it would be unwise for us to go further.

Of course, I appreciate the fact that these men are receiving larger salaries than Justices of the Supreme Court or Senators receive, but they are doing a different class of work from other officials of the Government. The Senator from South Carolina says he does not like to see employees of the Government getting such large salaries, but they are doing an entirely different class of work from that of the ordinary Government employee. They are carrying on, or are trying to carry on, at any rate, a real business, and I think we have to pay them a little differently.

Mr. NORRIS and Mr. DIAL addressed the Chair.

The PRESIDENT pro tempore. Does the Senator from Washington yield; and if so, to whom?

Mr. JONES of Washington. I think the Senator from Nebraska rose first, and I yield first to him.

Mr. NORRIS. I want to ask the Senator a question, and I ask it for information, because I think he possesses information on the subject that I do not possess, and perhaps no others of us possess. As to the efficiency of this corporation, has it been efficient in the past?

Mr. JONES of Washington. Well, we have had an investigation or two.

Mr. NORRIS. And always found something wrong; did we not?

Mr. JONES of Washington. I do not believe that we could start a Government institution handling property that cost us $3,000,000,000 and built up during the emergency of the war, and all that——

Mr. NORRIS. We have been changing the officials right along.

Mr. JONES of Washington. We have; and that has been another difficulty.

Mr. NORRIS. Why did we do that?

Mr. JONES of Washington. We have not been putting them out; they themselves have been going out voluntarily. I think that has resulted in lack of efficiency. I do not believe that the Emergency Fleet Corporation has been carried on in the most efficient manner, and yet I am inclined to think that its work has been done in just about as efficient a way as it was possible under the conditions and circumstances surrounding it. We have had frequent changes.

Mr. NORRIS. I have read a great deal at various times, which I shall not repeat, because I do not know whether or not the statements are true; but if half I have read about the Shipping Board is true, it can not be said that it has been efficient in the past.

Mr. JONES of Washington. I can not speak from definite knowledge, because I have not sought to interfere in the conduct of the business of the Shipping Board; I have been busy here; but I do not believe that half that has been said is true.

Mr. NORRIS. I am glad to hear that.

Mr. JONES of Washington. I do not believe that a quarter of what has been said is true. As a matter of fact, I believe that, taking it on the whole, the Emergency Fleet Corporation has handled the property which has been intrusted to it just about as well as we could expect under the conditions. That is my opinion; I may be wrong.

Mr. NORRIS. Mr. President, I have no personal knowledge; but I had, I think, two conversations each with two different persons employed there. One was a man whom I have known for a great many years and in whose word and in whose ability I have absolute confidence. He might have been mistaken in his judgment of course; but, although we did not go into details and particulars because I did not have time to listen to him. I was amazed at the general charge of inefficiency in the operations of the board. That has not been recent. It may have been a year ago or some such time as that.

I think that information was absolutely reliable; that there were men down there drawing big salaries who were not competent to earn little salaries; that there were men down there drawing little salaries that were not competent to earn any salaries; that there was a whole lot of inefficiency and incompetence, and it lacked business management. There did not seem to be any business management in it. It was a sort of a haphazard affair, and I want to call the Senator's attention to the fact that during all this time we have been paying the big salaries that we are trying to reduce now, and it did not bring efficiency. If we had paid those same men $100,000 they would not have been any better than if we paid them $25,000.

It is possible that there is some man who would be efficient to whom you would have to pay a good price in order to get him; but taking the man now, and having him there, he will not do any better work if you give him a million dollars a day than if you pay him a million dollars a year; probably not so good, because in the latter case he would have to squander so much more money.

I have no reference to the present officials there. I hope they are, as the Senator says, more efficient, but I have been impressed—perhaps a good deal of my information is erroneous—that we have had a lot of inefficiency there although we have been paying what seemed to me like very large salaries—too large, it seemed to me—and we did not get efficiency by doing it.

Would the Senator from Washington be any more efficient as a Senator if he got $100,000 a year?

Mr. JONES of Washington. I do not think so.

Mr. WILLIS. He could not be any more efficient.

Mr. NORRIS. Of course, it is asking almost an impossibility to expect such a thing; but if we have him here we will not make him more efficient by paying him a salary that is away above what he is getting now. If we had to make a deal with him to get him, we could afford to pay him a bigger salary than he is getting; but he seems to be willing to take the meager salary that he is getting. If we have a member of the Shipping Board getting $25,000 a year, and he is not very efficient, we do not make him efficient by making his salary $50,000. We do not increase his efficiency at all.

Mr. JONES of Washington. I agree absolutely with what the Senator says. I agree, Mr. President, that many of the conditions that the Senator has described, and that probably have been told to him, exist there. It is one of those things that seem to go with government, especially with our Govern-

ment and with our system of government. I have not any doubt but that the very same conditions will be found to exist and to have existed in connection with the operations of the Emergency Fleet Corporation that we have been finding in the different departments of the Government. Political influences have had their effect there; that is true. Appointments have been made there because Senators and Representatives insisted upon it, or because political influences were brought to bear.

Mr. NORRIS. Mr. President, may I interrupt the Senator?

Mr. JONES of Washington. I yield.

Mr. NORRIS. There is a whole lot in that. Now, I want to make a suggestion to the Senator, and I should like to have done it long ago, although I have not come in contact with the Shipping Board except in a very indirect way. I want to suggest to the Senator, who is chairman of the committee that has charge of matters relating to the Shipping Board, that he bring in here a bill that will be about as long as his finger, providing that in the appointment and in the promotion of employees and officials of the Shipping Board or the Emergency Fleet Corporation no political influence or partisan influence of any kind shall be permitted, and that publicity shall be given by the Shipping Board to any letter, recommendation, or anything that comes from a Senator, or a Member of the House, or a governor of a State, or a chairman of a political committee, and fixing a criminal penalty applying to anyone who has a right to employ anybody there who will permit any influence of that kind to influence him, or who will not and does not give publicity to any influence of that kind that is brought to bear. If that were done we would improve the administration of the Shipping Board.

Mr. JONES of Washington. If the Senator will just draw such a bill and introduce it, I will do everything I can to get it favorably reported from my committee, because I am heartily in favor of it.

Mr. NORRIS. I can draw it in 15 minutes.

Mr. JONES of Washington. All right; and I hope the Senator will do it.

Mr. FLETCHER. My suggestion simply is to cover the four positions named in the letter which I read, the incumbents of which are now getting $18,000. The persons who hold other positions, outside of those, can well accept $17,000 or $15,000, and in my judgment it is all they are worth.

Mr. JONES of Washington. Mr. President, I do not know the circumstances under which that letter was written, and I do not know whether or not the man who wrote it left out somebody, but I have read to the Senator the names of the men and the salaries that they are getting. There is one more, in addition to that, to whom they propose to give $18,000, and I am going to tell the Senator who it is, and I am satisfied he will not object to it. Mr. Rossbottom has been getting $15,000 as manager of the United States Lines. Mr. Palmer feels that Mr. Rossbottom is worth more than that, and I believe that he is worth more than that, and I think that he ought to have it, and he proposes to give him $18,000 a year. That is an additional position.

Mr. FLETCHER. What position is he in?

Mr. JONES of Washington. It is desired to make him president or general manager of the United States Lines.

Mr. FLETCHER. I think Mr. Rossbottom knows more about the whole business than anybody else. He ought to have been president of the Fleet Corporation, in my judgment, and that is saying nothing against Admiral Palmer.

Mr. JONES of Washington. The Senator knows that I suggested him for it in a letter.

Mr. FLETCHER. I quite agree with that.

Mr. JONES of Washington. That is what Mr. Palmer wants to do.

Mr. WADSWORTH. The Senator will have to be careful, or he will get into jail.

Mr. JONES of Washington. I would not have done it if the proposed law had been passed, and I did not recommend him then. I merely suggested that somebody like Mr. Rossbottom should be made the head of the Emergency Fleet Corporation.

Mr. NORRIS. Mr. President, the Senator from New York has referred to a law that I suggested. The Senator from Washington would not have been ashamed of such a letter if he had written it.

Mr. JONES of Washington. No; I would not.

Mr. NORRIS. What I would require by the suggested law is that it should be given absolute publicity.

Mr. JONES of Washington. No; I would not be ashamed of it at all.

Mr. FLETCHER. Mr. President——

The PRESIDENT pro tempore. Does the Senator yield, and if so to whom?

Mr. JONES of Washington. I do not see that we are getting anywhere.

Mr. FLETCHER. I merely want to modify my amendment so as to make it 5 instead of 4, to include Mr. Rossbottom.

Mr. JONES of Washington. I hope the Senator will leave it as we have it here. We are reducing it below what the House committee recommended to the House itself. The House committee, after holding a careful investigation and going into all these matters as fully as they could, recommended this to the House: They recommended 1 at not to exceed $25,000, 2 at not to exceed $20,000, and 4 at not to exceed $18,000. We have cut that, and made it 6 at not to exceed $18,000, and 1 at $25,000. I feel, under all the circumstances, that the wise thing to do would be to follow the recommendation of the committee, and I hope it will be done.

The PRESIDENT pro tempore. The question is upon agreeing to the amendment proposed by the Senator from Florida [Mr. FLETCHER] to the amendment of the committee.

The amendment to the amendment was rejected.

The PRESIDENT pro tempore. The question now is upon the amendment of the committee.

On a division, the amendment was agreed to.

Mr. KING. Mr. President, I should like to inquire of the chairman of the committee or the Senator from Washington, if I may have their attention, what limitation is now placed upon the Shipping Board as to the use of the funds which may be derived from the sale of property? May they sell property and dispose of the funds derived therefrom as they see fit in paying the debts and operating expenses of the corporation?

Mr. JONES of Washington. They pay the current expenses, and I think there is a provision here that makes available $6,000,000 that has been heretofore appropriated to readjust and settle claims. The balance, I think, all goes into the Treasury. I read on page 25 they are given $30,000,000 in this bill to take care of expenses, and so on, where they had $50,000,000 last year. The language is:

For expenses of the United States Shipping Board Emergency Fleet Corporation during the fiscal year ending June 30, 1925, for administrative purposes, miscellaneous adjustments, losses due to the maintenance and operation of ships, for the repair of ships, and for carrying out the provisions of the merchant marine act, 1920, (a) the amount on hand July 1, 1924, but not in excess of the sums sufficient to cover all obligations incurred prior to July 1, 1924, and then unpaid; (b) $30,000,000—

Then it says—

(c) the amount received during the fiscal year ending June 30, 1925, from the operation of ships: *Provided*, That no part of these sums shall be used for the payment of claims other than those resulting from current operation and maintenance.

Mr. KING. Yes; exactly. That leaves them, then, with unlimited authority to dispose of ships or property, and to apply the proceeds derived therefrom to pay the expenses of operation.

Mr. JONES of Washington. Yes; that is all.

Mr. KING. Then, in addition to that, it appropriates $30,000,000?

Mr. JONES of Washington. No—oh, no!

Mr. KING. I shall be glad to have the Senator read that part of the bill.

Mr. JONES of Washington (reading)—

For expenses of the United States Shipping Board Emergency Fleet Corporation—

Including all these things—

$30,000,000.

First, they have—

(a) the amount on hand July 1, 1924, but not in excess of the sums sufficient to cover all obligations incurred prior to July 1, 1924, and then unpaid—

Then they have—

(b) $30,000,000—

Then they have—

(c) the amount received during the fiscal year ending June 30, 1925, from the operation of ships: *Provided*, That no part of these sums shall be used for the payment of claims other than those resulting from current operation and maintenance—

Then—

(d) so much of the total proceeds of all sales pertaining to liquidation received during the fiscal year 1925, but not exceeding $6,000,000, as is necessary to meet the expenses of liquidation, including also the

cost of tie-up and the salaries and expenses of the personnel directly engaged in liquidation: *Provided*, That no part of this sum shall be used for the payment of claims.

All over those things goes into the Treasury.

Mr. KING. Does not the existing law permit the utilization of funds derived from the sales of ships and property in meeting the current expenses of the corporation?

Mr. JONES of Washington. That is only the language that we have here.

Mr. SMOOT. Not in the original act; and this limits the $6,000,000 for the purposes named—that is, so much of the total proceeds of all sales pertaining to liquidation received during the fiscal year 1925.

The PRESIDENT pro tempore. Will the Senator allow the Chair to have the amendment stated, so that we will have something before the Senate? There is nothing before the Senate.

Mr. KING. Then I will move to strike out the $30,000,000 and insert $20,000,000, so that there will be something before the Senate.

On page 26, line 2, I move to strike out——

The PRESIDENT pro tempore. The Senate is operating under a unanimous-consent agreement to consider the committee amendments first.

Mr. KING. Then I shall recur to this when we conclude the discussion.

The PRESIDENT pro tempore. The Secretary will state the last committee amendment.

The next amendment was, on page 28, line 12, after the numerals "1921," to strike out the comma and the words "or to pay any final judgment rendered in any suit authorized by the act entitled 'An act authorizing suits against the United States in admiralty, suits for salvage services, and providing for the release of merchant vessels belonging to the United States from arrest and attachment in foreign jurisdictions, and for other purposes,' approved March 9, 1920," so as to make the paragraph read:

No part of the sums appropriated in this act shall be used to pay any claims of the United States Navy Department against the United States Shipping Board or the United States Shipping Board Emergency Fleet Corporation arising prior to July 1, 1921.

The amendment was agreed to.

The PRESIDENT pro tempore. The bill is before the Senate as in Committee of the Whole and open to amendment.

Mr. WARREN. Mr. President, the committee amendments are not all presented yet. If the Chair please, I am sending to the desk now a committee amendment which I ask to have stated.

The PRESIDENT pro tempore. The Senator from Wyoming offers, on behalf of the committee, an amendment, which will be stated.

The READING CLERK. On page 6, after line 20, it is proposed to insert as a new paragraph the following:

Except for one person detailed for part-time duty in the district office at New York City, no details from any executive department or independent establishment in the District of Columbia or elsewhere to the commission's central office in Washington or to any of its district offices shall be made during the fiscal year ending June 30, 1925; but this shall not affect the making of details for service as members of boards of examiners outside the immediate offices of the district secretaries. The Civil Service Commission shall have power in case of emergency to transfer or detail any of its employees herein provided for to or from its office or field force.

Mr. KING. I make a point of order against that.

Mr. WARREN. That was in the law. It would have passed the House, but it went out on a point of order, and the committee asked to have it presented to the Senate. It simply effects a saving, because it is proposed to confine it to the civil service itself. If the Senator wishes to make a point of order against it, I have nothing more to say.

Mr. KING. I should like to be advised as to the importance of it, and whether it does not change existing law.

Mr. WARREN. It would save money, and it is a thing the Civil Service Commission has asked for. It was really given by the House committee, but some one on the floor, some Member not understanding about it, made a point of order, and of course it had to go out, under the House rule. It having gone out there, we present it in this way instead of offering it as a committee amendment, and ask, of course, that it may pass.

Mr. KING. May I inquire whether the Committee on Civil Service is familiar with this amendment, and whether they approve it?

Mr. WARREN. I do not believe that they are familiar with this particular amendment; I think that they have not had occasion to take charge of this particular matter.

Mr. KING. Of course, I shall have to rely on the assurance of the chairman. If he assures the Senate that it will effectuate economy, then I am for it; but I am always suspicious——

Mr. WARREN. I will say to the Senator that if the Committee on the Civil Service asks that it shall not be agreed to, I will vote to throw it out in conference.

Mr. KING. Will the Senator make an investigation to determine whether or not it will result in economies?

Mr. WARREN. So far as the chairman has been able to examine it, he is satisfied that it is in the interest of economy, as I have stated.

Mr. KING. I withdraw the point of order.

The amendment was agreed to.

Mr. SMOOT. Mr. President, since the bill was reported my attention has been called by the Comptroller General to a condition which I think I ought to call to the attention of the Senate before offering an amendment.

The General Accounting Office must have additional space. They have begged for it for months, and as chairman of the Public Buildings Commission I have made every effort in the world to give it to them. There is no chance of giving them the necessary space.

The Senate knows the work that has devolved upon the Comptroller General and the employees under him. They are huddled together so that they can not do their work as they should do it. I was in hopes of putting off any additional appropriation for rent in the District of Columbia until we could pass a general bill authorizing the building plan which I have already presented to the Senate.

There is one building to-day which is being completed in which we can get the space necessary. The Comptroller General begs that I offer an amendment to this bill appropriating $90,000 per annum for that space. He thinks he can get it for that sum, and I have no doubt he can.

I have had Colonel Sherrill make not one survey but half a dozen surveys of the buildings in the District of Columbia owned by the Government of the United States or even controlled by them under the provisions of the law under which rent is paid. There is no space available for this purpose, and the only way to provide for it is by an amendment to this bill increasing the appropriation of $300,000 on page 11, under the General Accounting Office, to $390,000.

I am now having another survey made, and no matter how crowded the space may be, if we can get any space for the accounting office, I am going to insist upon it taking it; but if not, I shall have to ask the House to agree to this amendment.

I wish the Senate understood the serious condition we are in. Sometimes I feel that I am going to wash my hands of the whole thing unless something is done. We have had a survey made. We have at least 20 applications before the commission now stating that the work of some particular department can not be accomplished under existing conditions, and I think of all departments of the Government the Treasury is suffering the worst. Senators will remember that the Income Tax Unit is under that department. If Senators would only go down and see the conditions under which the employees are working, they would have some conception of the difficulties. We have the employees distributed in all parts of the city, under no one control or head. I know the money that could be saved would not only pay the interest upon the money for constructing the building, but within two or three years it would pay for the building.

I ask that this need be met by adding $90,000 on line 18, page 11.

Mr. KING. I would like to ask my colleague how it is that, although during the war we had over 100,000 employees in the District, and the number has been reduced to perhaps 40,000 or 50,000——

Mr. SMOOT. About 65,000.

Mr. KING. Sixty-five thousand? The number ought to be reduced to 45,000.

Mr. SMOOT. I will say that we have taken out of rented buildings in the District of Columbia those who were employed during the war, effecting a saving of over $1,000,000 a year. That is why the employees are so crowded. We have compelled them to be crowded. Wherever a building is leased by the United States in the District of Columbia at an excessive rental, that building is the first to be given up.

I dislike to ask this increase in the appropriation. I did not want to do it, but we have to do it.

Mr. WARREN. Let the amendment be stated.

The PRESIDENT pro tempore. The Secretary will state the amendment.

The READING CLERK. On page 11, line 18, under "General Accounting Office, contingent expenses," it is proposed to strike out "$300,000" and insert in lieu thereof "$390,000."

The amendment was agreed to.

Mr. CARAWAY. I offer the amendment, which I have sent to the desk.

The PRESIDENT pro tempore. The Secretary will state the amendment.

The READING CLERK. The Senator from Arkansas proposes to insert in the proper place the following:

Washington Monument guide books authorized by Congress in 1909, following a hearing before the House Appropriations Committee, shall be continued on sale under the same conditions heretofore imposed at the Monument.

Mr. WARREN. Mr. President, the Senator recognizes, as we all do, that that would be subject to a point of order; but I am not disposed myself to make the point, and would permit it if others are willing that it should go into the bill. I doubt very much whether it would be agreed to in conference, but there may be some reason why it should be put in. I will not myself object to its being considered.

Mr. CARAWAY. May I make just this word of explanation? For a great number of years a lady whose chief means of support has been the sale of a book describing the Monument has been selling it at the Monument under permission of Congress. I think the lady is from Vermont. She has on hand quite a large number of books. Recently she has not been permitted to have the books sold there, and those who are familiar with the matter feel that an injustice is being done. I know of no reason why she should not be permitted to continue the sale of that book.

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. SPENCER. Mr. President, I send two amendments to the desk.

The PRESIDENT pro tempore. The Secretary will state the first amendment.

The READING CLERK. On page 9, line 9, under "Salaries, Employees' Compensation Commission," the Senator from Missouri moves to strike out "$136,600" and to insert in lieu thereof "$138,040."

Mr. SPENCER. The facts in that case are these: Last year the Employees' Compensation Commission was reduced five clerks. Those clerks had largely to do with what is called the third-party claims. When a Government employee is injured by an outside party, the Government takes care of the employee, but is subrogated to the rights of the employee against the party who caused the injury, and usually there has been secured about $200,000 a year from these third-party claims.

Mr. WILLIS. Has the Senator called the attention of either of the Senators from Minnesota to this proposed amendment, relating to third-party claims? [Laughter.]

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

The PRESIDENT pro tempore. The Secretary will state the next amendment offered by the Senator from Missouri.

The READING CLERK. On page 9, line 16, under "Contingent expenses, Employees' Compensation Commission," the Senator from Missouri proposes to strike out "$10,000" and to insert in lieu thereof "12,000."

The amendment was agreed to.

Mr. REED of Pennsylvania. Mr. President, I send to the desk two amendments, which I ask to have read.

The PRESIDENT pro tempore. The Secretary will state the first amendment.

The READING CLERK. On page 5, line 9, under "American Battle Monuments Commission," the Senator from Pennsylvania proposes before the word "personnel" to strike out the words "members of the commission and its secretary, and," so as to read:

The transportation of, mileage of, reimbursement of actual travel expenses or per diem in lieu thereof to the personnel engaged upon the work of the commission—

And so forth.

Mr. REED of Pennsylvania. Mr. President, the two amendments which I send to the desk are offered for this purpose: The provision as to the American Battle Monuments Commission, as mentioned on page 5 of the bill, is that the total appropriation may be used to pay the travel expenses of the members of the commission, of the secretary of the commission, and of its personnel. The Comptroller General tells us that in the form in which the bill had been reported it will have the effect of limiting the travel expenses of the commission to $4 a day on a per diem, or $5 a day on vouchers filed.

The work of the commission requires it to make a study of the battle fields in France and Belgium this summer. The commission works without any salary whatever. The amounts limited by the old act of 1914 could not possibly pay the traveling expenses of this otherwise unpaid commission. The purpose of these two amendments is to give the commission the same traveling allowance of $7 per diem, or $8 on a voucher, that is allowed other officials of the Government, such as Army officers, traveling on Government business.

I understand that the amendment is not objected to by the Appropriations Committee, because the effect of the amendment will be the effect the committee thought the original bill would have, and it is only in order to meet the objection of the Comptroller General that the change is suggested.

The limitations of $7 a day per diem, or $8 a day on vouchers, are put in by the second amendment, which the Secretary has at the desk.

The PRESIDENT pro tempore. The question is on agreeing to the first amendment offered by the Senator from Pennsylvania.

The amendment was agreed to.

The PRESIDENT pro tempore. The Secretary will state the second amendment proposed by the Senator from Pennsylvania.

The READING CLERK. On page 5, line 11, after the word "law" and the semicolon, insert the following:

The reimbursement of actual traveling expenses (not exceeding $8 per day) or per diem in lieu thereof (not exceeding $7 per day) to and the transportation of the members of the commission while engaged upon the work of the commission.

Mr. NORRIS. What commission is this?

Mr. REED of Pennsylvania. It is the American Battle Monument Commission.

Mr. NORRIS. I remember just a day or two ago there was a bill on the calendar reported from the Committee on Agriculture and Forestry, recommended by the Secretary of Agriculture, in which there was provided a fixed per diem for officials of the Agricultural Department when traveling on official business, at the rate provided in this amendment fixing the per diem of this commission. That was immediately objected to by the Senators who did not want the farmers to have their hotel bills audited at such a high rate. It did not stand any show whatever of getting even consideration, and is still on the calendar. I realize that right now we are putting in amendments on the pending bill that anybody asks to be put on; but it does seem to me we ought to call a halt if we are going to have this rule for per diems applied to this commission and not permit the Agricultural Department to have the same rule apply to it.

I do not know that these rates are too high. Properly provided for by safeguards, I do not believe they would be too high. I found out from the little investigation I made, mostly from what the Secretary of Agriculture wrote me, that the rates in the bill I referred to were not too high; but the Senate jumped up on its feet in holy horror that these long-haired farmers in the Agricultural Department should be allowed a per diem that sometimes went as high as $7. The Secretary said this meant a room with bath, which he thought, when they were out traveling, they ought to have if they could get to a place where there was a room with bath; but it was apparently presumed that, being farmers, they did not need to have a bath.

The bill gets nowhere. I am only pleading for fairness. If I can get the assurance of the chairman of the committee that if this is approved he will likewise approve an amendment that I shall offer, which is the bill that I reported from the Committee on Agriculture and Forestry providing that these rates shall apply to the Agricultural Department, I do not know but what my objection would disappear. Just a few moments ago, upon the motion of the Senator from Missouri [Mr. SPENCER], an amendment was put on the bill which, as I gathered the figures, increases an appropriation by something over $2,000 for the benefit of the third party, which, as I take it, means the Farmer-Labor Party, and yet there is nothing in the bill anywhere that I have heard of that proposes to appropriate any money for the Republican Party. We ought to be fair about it. If we are going to pay the expenses and the per diem of this commission that is going to travel around over the country to look at monuments, we ought to let the

farmers have the same rate when they are traveling around looking at crops.

Mr. JONES of Washington. My recollection is, too, that we have had in several bills provisions for per diem allowances to employees of the Government going out on official business, but I think it is fixed at $4 a day.

Mr. NORRIS. Four dollars a day is not enough in these times, the way hotel prices have gone up. While, as the Secretary stated to me then, they would advertise that rooms with a bath could be had for $2.50 a day, it was found when they went there that there were no such rooms available; the clerk would tell them they were all gone. The fact is they had none, but used it for advertising purposes.

Mr. JONES of Washington. The clerk of the Appropriations Committee has just told me that $4 is the straight per diem, but when they file detailed expense accounts they are allowed $5.

Mr. WARREN. I was about to say that. It is a statute that has been in existence for some years. There are various places where a $7 or $8 proposition is carried. I understand in this case that these people are outside of the employment of the Government—that is to say, some of them are, at least—and are giving their time gratis. The only pay they get is their expenses, which, of course, are larger than $4 a day.

Mr. NORRIS. Of course, they ought to be paid their expenses. I am not complaining about it. I am pointing out to the Senate what seems to me to be an injustice. We will not pay the farmers' expenses when they are out on official business.

Mr. WARREN. The law was not made for the farmers or individuals but was made for employees of the Government who came within the $4 limitation there fixed. Of course, the $4 limit is no longer sufficient for them. It is one of those things that can be brought up in a general way, and the law can be changed.

Mr. NORRIS. But it is not coming up in a general way. These great economists get red in the face when this proposition comes up, the same as they do when we want to take up something for the Agricultural Department. That came up in the regular way and was not on an appropriation bill. It was a bill changing the law authorizing the allowance of actual expenses not exceeding $7, and in other cases not exceeding $5.

Mr. WARREN. For one department or generally?

Mr. NORRIS. For one department.

Mr. WARREN. The Senator should have made it for all departments, in accordance with the statement he has just made.

Mr. NORRIS. I agree to that; but what is this amendment? This is not general. This does not even cover a department. It is some fellows who are going out to look over monuments, and we are going to pay their expenses, which we ought to do. But we ought not to make fish of one and fowl of the other.

The PRESIDENT pro tempore. The question is on agreeing to the second amendment offered by the Senator from Pennsylvania.

The amendment was agreed to.

Mr. WARREN. There is a little amendment on page 26, in line 23, that I offer. The word "receive" should be changed to "received." I move that amendment.

The amendment was agreed to.

Mr. KING. Have the committee amendments been agreed to?

Mr. WARREN. They have.

Mr. KING. Then, on page 26, line 12, in the item appropriating for the emergency shipping fund, I move to strike out "$30,000,000" and insert "$20,000,000."

I shall be glad to be corrected if I am wrong, but it is my information that all the assets of the Shipping Board and Emergency Fleet Corporation will not exceed $200,000,000. Indeed, a number of persons who are familiar with the boats and property of the Shipping Board and the Emergency Fleet Corporation tell me that they would not sell for $100,000,000.

We paid to them last year $50,000,000 out of the Treasury of the United States. We permitted the Shipping Board to sell a great deal of property, the proceeds from which were used in the payment of expenses and in the operation of the Shipping Board and Emergency Fleet Corporation. Now we propose to give the Shipping Board $30,000,000 more, and perhaps at the end of the year all of the assets owned by the two corporations would not be worth more than $50,000,000 or $75,000,000. It would be far better if we would dispose of the property of the Shipping Board and the Emergency Fleet Corporation instead of making these constant appropriations. I think if we give them $20,000,000 it ought to be sufficient. Of course, it will be lost. Pretty soon there will be nothing left and the billions of dollars invested in that property will have been entirely dissipated.

Mr. JONES of Washington. Mr. President, I will admit that the situation is very discouraging. I know that it is. I get very much discouraged over the prospect for our building up an American merchant marine. I sometimes feel that it is almost hopeless; and while people have protested that they want a merchant marine, none of them are willing to bear any expense or take any risk in order to get it. I hope the amendment will not be agreed to. We are trying to maintain some shipping lines which we hope, when the great depression in shipping is over, will at once show a profit. We are trying to maintain some shipping lines. It is worth something to maintain these routes for our shipping, at least for a while, and give them a chance. That is what is sought to be done. There are certain routes that have been established that the Shipping Board believes can be made profitable if they are kept going.

This thirty million dollar appropriation it is estimated will be necessary to keep this matter going during the year. It is $20,000,000 lower than last year. I hope the $30,000,000 will be given. I believe we can well afford to take the risk, because it is a question of keeping our merchant marine going or of dropping it altogether. We can not sell a ship. We can hardly give them away if we insist upon their being operated under the American flag and in the American commerce. I do not suppose we could give those ships to American shippers on the condition that they run them under the American flag. They would not take them under present conditions.

Mr. KING. The information that comes to the Senate, information in response to a resolution which was offered some time ago in regard to the number of attorneys, of scores of attorneys, with enormous compensation, and other information in regard to the great number of employees and their incompetency, it seems to me, promises no relief, but a prophecy, indeed, of deterioration and the ultimate ruin of the whole concern and the disposition of the effects of the corporation to pay its obligations. I suppose now there are claims against the Shipping Board aggregating millions of dollars, and that the claims against the Government plus the appropriation which we are called upon to make this year would more than consume the assets of the Shipping Board and the Emergency Fleet Corporation.

Mr. JONES of Washingon. It is but fair to say, in connection with the remarks of the Senator, that the list of attorneys shows the attorneys from the beginning of our operation. When the war closed we had a tremendous number of ships, and we had claims of hundreds of millions of dollars against the Government. Those were adjusted and settled, and my understanding is—I have not made inquiry lately—that the claims which have not been settled do not amount to a great many million dollars, and they are, I think, practically only those that were forced into court for settlement.

The PRESIDENT pro tempore. The question is upon agreeing to the amendment offered by the Senator from Utah.

The amendment was rejected.

Mr. NORRIS. Mr. President, I offer an amendment, which I send to the desk and ask that it may be read.

The PRESIDENT pro tempore. The amendment will be read.

The READING CLERK. At the proper place insert the following:

> That on and after July 1, 1924, unless a higher rate is expressly provided for by law, officers and employees of the Department of Agriculture, while traveling on official business away from their designated posts of duty, may be allowed not to exceed $7 per day for subsistence, but in no case shall they be reimbursed any sum in excess of expenses actually incurred by them.
>
> That on and after July 1, 1924, unless a higher rate is expressly provided for by law, the Secretary of Agriculture is authorized to prescribe per diem rates of allowance, not exceeding $6, in lieu of subsistence to officers or employees of the Department of Agriculture traveling on official business away from their designated posts of duty.

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

Mr. WARREN. Mr. President, I wish to say that, as the Senator very well knows, the amendment is obnoxious to the rules, but I do not propose to make a point of order against it. It rests entirely with the Senate to give consent to the amendment, if it should wish to do so.

Mr. NORRIS. Mr. President——

Mr. KING. Mr. President, if the Senator from Nebraska will pardon me, I think if we shall deal with this matter affecting the Department of Agriculture we ought to deal with all the departments.

Mr. NORRIS. Why is it that Senators have just adopted amendments—

Mr. KING. I voted "no" on those amendments.

Mr. NORRIS. All right, but the Senate has inserted them regardless of the Senator's vote. The amendments were subject to a point of order, which was not made because of the kindness and generosity of the very able chairman of the committee. He has not been making points of order. He now announces however, that my amendment is subject to the point of order. The amendment offered by the Senator from Arkansas [Mr. CARAWAY] was clearly subject to a point of order but none was made.

The subsistence rates fixed in the amendment offered by the Senator from Pennsylvania I do not believe are to high, but the amendment was subject to a point of order, which was not made. The fees fixed, I think, are identically the same as those which are fixed in my amendment. They were not general; they did not apply to everybody, but neither does this apply to everybody.

So far as I am able to see, there is no reason which may be given why members of the monument commission traveling around over the country to look at monuments should be favored. It would not be very hard work. But I am not finding fault with them, for they would do all there was to do in looking at monuments. Some people pay money even for the privilege of doing that. However, the employees of the Agricultural Department work hard all day; they do not have mere pleasure trips, mere junkets, but they are working; and it is proposed now that they shall not be compensated at the same rate.

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

Mr. NORRIS. Yes.

Mr. JOHNSON of Minnesota. Mr. President, I did not vote for the other amendment. I think that $5 a day is enough for anybody's traveling expenses. One may go to a hotel, get a room for $2.50 a day, and get pork chops and potatoes for about 75 cents, and one may get breakfast for 30 or 40 cents. I think $5 a day is enough even for Agricultural Department employees.

I remember the time, if the Senator from Nebraska will allow me, when for years I had to travel on $4 a day and my salary was included in that $4. I had also to pay my hotel expenses. Think of the army of employees there are traveling about for the Agricultural Department.

Mr. NORRIS. The point with me is, we have already fixed this rate for everybody else in the bill, and I insist that the employees who are working for the Agricultural Department shall get the same compensation and shall receive the same treatment.

Mr. BROOKHART. Mr. President, will the Senator from Nebraska yield to me?

Mr. NORRIS. I yield.

Mr. KING. I raise the point of order against the amendment.

Mr. BROOKHART. The rate fixed for the Monuments Commission is $7 and $8 a day while the rate fixed in the Senator's amendment is $6 and $7 a day.

Mr. NORRIS. Then I ought really to modify my amendment.

Mr. KING. Mr. President, I agree with what the Senator from Nebraska has stated, that there ought not to be discriminations, and I opposed the other amendments as I oppose this one. When we consider the agricultural appropriation bill we may then address ourselves to this matter. I do not think there is any analogy between the point of order which might be raised to the compensation for the Monuments Commission and the point of order which might be raised against the amendment offered by the Senator, for the reason that we are dealing with the provision for the Battle Monuments Commission as a part of this bill; but we are not dealing with agriculture and with the Agricultural Department any more than we are dealing with the Navy or with the Army or with the other departments of the Government and the traveling expenses of the officials of those departments.

I should object just as quickly to an amendment offered to this bill giving to the Navy or to the Army or to the Department of Justice or any other department of the Government increased traveling expenses. When those bills come before the Senate, then they may be considered upon their merits. The Senate made a mistake, in my judgment, in allowing the amount provided in the amendment offered by the Senator from Pennsylvania for the expenses of the Monument Commission. If the travel allowance shall be allowed to all of the nearly a million or more than a million employees of the Government—and perhaps there are two or three hundred thousand who are ambulatory—it will augment the expenses of the Government tens of millions of dollars, perhaps more than one hundred millions, or $150,000,000 for the coming year. I think it was a bad precedent. We ought to move to reconsider the vote by which we allowed the amount that was recommended by the Senator from Pennsylvania.

Mr. President, I raise the point of order against the amendment offered by the Senator from Nebraska [Mr. NORRIS].

The PRESIDENT pro tempore. The point of order is sustained. The bill is before the Senate, as in Committee of the Whole, and is open to further amendment.

Mr. KING. I wish to ask one question of the Senator in charge of the bill. I find an item of $46,790,000 for salaries of employees of the Veterans' Bureau and a little further on various other amounts.

Mr. WARREN. The item to which the Senator refers is found on page 29, line 17.

Mr. KING. There is a further provision for the compensation of employees of the department. My recollection is that for the present fiscal year more than $106,000,000 were paid in salaries, directly and indirectly, including salaries in connection with hospitals. I wish to ask the Senator whether his committee made an examination of these demands from the Veterans' Bureau? It seems to me that the amount that we are paying as overhead for the Veterans' Bureau is entirely too great.

No one wishes to withhold appropriations for those who were wounded and for their dependents; we should be generous even to the point of prodigality in dealing with the wounded; but I do submit that the waste and extravagance in the administration of the Veterans' Bureau calls for rectification. I had hoped that the Appropriations Committee, in view of the splendid labors of the Senator from Pennsylvania [Mr. REED], the Senator from Massachusetts [Mr. WALSH], and the Senator from Nevada [Mr. ODDIE], with the information which they obtained, would be able to correct some of these abuses and reduce the overhead of this great bureau. A direct appropriation of $46,790,000 for salaries, plus many millions more in other parts of the bill, is entirely too much for the expenditure of something like $300,000,000 for the veterans themselves. The expenditure of from 20 to 25 per cent as overhead can not be defended. Why not cut down the overhead expense and give more to the soldiers? Does the Senator think that we are justified in voting for this large appropriation for the salaries of employees of the Veterans' Bureau?

Mr. WARREN. Mr. President, we are reducing very largely the expenditures for the Veterans' Bureau. I call the Senator's attention to the fact that in the bill for the coming year there is a reduction of over $79,000,000 as compared to the bill for the present fiscal year. For the current year the appropriations for the Veterans' Bureau amounted to $428,160,773, while for the next year we undertake to appropriate only $349,065,000. It is apparent, therefore, as I have said, that we have reduced the appropriation by more than $79,000,000, and that reduction has very largely been made in the very items of which the Senator speaks, namely, those relating to salaries of employees.

Mr. KING. Mr. President, I think the Senator must be in error. I think the reductions are in the amounts paid for vocational rehabilitation and vocational training and compensation, but concede that the total appropriation is only $350,000,000, here is a direct appropriation of $46,790,000 for employees, and that is entirely too much.

Mr. WARREN. Mr. President, if the Senator will permit me, I said that there was a reduction in the item of salaries as in all other items in connection with the Veterans' Bureau. I will say that last year the appropriation for salaries amounted to $50,780,123, whereas for the coming fiscal year we propose to appropriate $46,790,000. That is as great a reduction as I think we can make at the present time.

Mr. KING. Well, Mr. President, I suppose that no motion I might make would prevail, but I do want to register my disapproval of the inefficiency and waste in the Veterans' Bureau and of the extravagant salaries which have been paid, which have resulted too often in the injured and those who are entitled to compensation being denied the relief which they should receive.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

INVESTIGATION OF INTERNAL REVENUE BUREAU

Mr. WILLIS. Mr. President, a while ago when the Senator from Montana [Mr. WALSH] was speaking he read some excerpts from either the news columns or the editorial columns of the Philadelphia Public Ledger and the New York Times. I conferred with him privately subsequently and suggested to him, as a matter of fairness, that I thought the editorials in those two publications ought to go in the RECORD. He very cordially agreed with me and said he would not object. I ask, therefore, that the editorials in the New York Times on the President's message and in the Philadelphia Public Ledger on the same subject——

Mr. ROBINSON. What are the dates of the editorials?

Mr. WILLIS. The date of the editorial, in both the New York Times and the Philadelphia Public Ledger, is April 12.

Mr. ROBINSON. I understand the Senator has stated that he conferred with the Senator from Montana [Mr. WALSH], and it was agreeable to him that the editorials should be printed in the RECORD.

Mr. WILLIS. Yes; I conferred with the Senator from Montana and told him that I would ask to put the editorials in the RECORD.

Mr. ROBINSON. I have no objection.

The PRESIDENT pro tempore. The Chair hears no objection to the request of the Senator from Ohio, and the editorials will be printed in the RECORD.

The editorials referred to are as follows:

[From the New York Times, Saturday, April 12, 1924]

MAINTAINING THE GOVERNMENT IN FULL VIGOR

President Coolidge has again been compelled to protest to the Senate against insidious attempts to break down the constitutional rights of the Executive. The particular case is not so open and flagrant as was the previous demand of the Senate that the President dismiss two members of the Cabinet, but it is none the less palpable. It contains a threat which the President must resist unless he is content to see his office reduced to a nullity. It is one more step in a movement which will have the effect, if not the design, of throwing the Government into disorder and demoralizing those charged with the duty of conducting the public business. As was pointed out at the time when Attorney General Daugherty was forced to resign, the pretensions of the Senate, if unchecked, would place every member of the Cabinet in peril of his official life. Secretary Mellon stated the cold truth yesterday to the President in defense of the Treasury Department against subterranean and unlawful attacks, when he said that if these methods are not withstood, "neither I nor any other man of character can longer take responsibility for the Treasury."

It is obvious that President Coolidge has to draw the line somewhere. He must choose ground on which he will elect to fight rather than surrender. In his message to the Senate yesterday he put the matter temperately but firmly. No committee of the Senate can be permitted, under cover of whatever pretext, to go outside its constitutional powers and seek to usurp or impair Executive functions. The President expressed what is only the general amazement at the sight of a Senate committee, without authority or warrant of law, permitting one of its members to hire a lawyer in order that he might pursue whatever investigations into the Treasury Department caught his taste or fancy. This is not only altogether irregular, it is indecent. It is an insult at once to the Senate and to the entire Government of the United States.

The President does well to resent such an unwarranted intrusion upon an executive department. Too sharp a reminder can not be given to the Senate at the present time to observe the limits laid down in the Constitution and in the laws. Only by subterfuge has the Senate committee reached a point in its inquiry into the workings of the Internal Revenue Bureau where its personal animus against the Secretary of the Treasury and its willingness to go to any lengths to drive him, if possible, out of the administration have become apparent. The President could do no other than assert his intention to maintain the power of the Executive in full vigor and at all hazards.

His action will be misrepresented. It will be alleged that he is afraid of the Senate investigations and desires to choke them off. He will be accused of trying to cloak corruption and shelter scoundrels. But nothing could be further from the truth. The President is ready to facilitate every honest and lawful inquiry. He will withhold from Congress no information necessary to expose and punish the guilty. But he will not allow the Presidency to be broken in pieces while he is expected to stand by consenting. No one has uttered stronger words than President Coolidge in detestation of every form of official corruption. No one has more stoutly pledged himself to inflict penalties wherever they are deserved, without fear or favor or thought of partisan advantage. By that undertaking he stands firm; but he stands just as firm against every endeavor, however plausibly veiled, to destroy the prerogatives of the President and to rob the Government of its authority, energy, and credit with the people.

[From the Philadelphia Public Ledger, April 12, 1924]

THE LAWLESSNESS OF THE SENATE

When a Senate inquiry is conducted merely to feed fat into the fires of a personal grudge, when investigation is deliberately debased by partisanship, when the Senate permits its committees to trample heavy-footed over the rights of individuals and Government departments and break a law passed by the Senate itself, then it is time to call a sharp and sudden halt. That exactly is what President Coolidge did yesterday in his message to the Senate dealing with the amazing action of the committee investigating the Internal Revenue Bureau.

Weeks ago Senator COUZENS, of Michigan, was badly worsted in an income-tax debate by Secretary Mellon. Smarting under this, he joined the movement to drive Mellon from the Cabinet. He demanded an investigation. A panicky Senate, scared stiff with fear that if it does not grant every inquiry demanded it will be accused of trying to hide something, consented.

Ostensibly this committee sought information to guide it in legislation. Actually it was aimed at driving Mellon from the Treasury. Senator COUZENS demanded the names of the so-called "Mellon companies" and got them. Nothing was found to verify his charges that they had been favored in income-tax returns or refunds. Meanwhile the McKellar resolution, offered by a Tennessee Democrat and a part of the general attack on the Treasury, was shattered in the Senate.

By this time it was plain that the only business of the committee and of Senator COUZENS was to discredit somehow Andrew W. Mellon. The next move overstepped the bounds of legality and decency. On the motion of Senator COUZENS, Francis J. Heney, of California, was employed as special counsel for the committee and paid, not by the Senate or by the committee, but by COUZENS himself. He is to be turned loose, a paid agent, personally paid by Senator COUZENS, to investigate one of the great executive departments. Clothed in the armor of Senate authority and immunity, he is to prowl where he will to add to the demoralization of a department demoralized by a steady succession of vengeful partisan and personal attacks.

There has been nothing quite like this in the long history of the Government that forbids it by statute. The Senate, bewildered and almost delirious in its investigation fever, did nothing to stop this illegal, unprecedented, and indefensible action. In the course of its long spree of investigations, wise and otherwise, the Senate has lost sight of its metes and bounds and landmarks. Nothing was left to a self-respecting and able Cabinet officer other than to notify the President of the existing situation and announce:

> "* * * neither I nor any other man of character can longer take the responsibility of the Treasury."

In the Treasury, and to Andrew W. Mellon, this move had come as the climax of an intolerable situation. The snarling, heckling, personally directed attacks threatened disruption in the Treasury. The morale of 60,000 employees was at the breaking point. If the department was to be overrun by private individuals clothed with extraordinary powers to investigate and privately paid from the pocket of a Senator, there had to be an explosion.

President Coolidge sees the danger of this lawlessness and has done his best to recall the Senate to a realization of its constitutional and legal rights and their limitations. He is careful to state that any department always is willing to furnish any information needed by the Senate and to which it has a right. He tells the Senate, however, what is known to all men now, that this particular investigation—

> * * * "has been dictated by some other motive than a desire to secure information for the purposes of legislation."

Reminding the Senate and its committees that others have rights that must be respected, he protests against this invasion of rights, and in words whose meaning can not be mistaken says:

> "If it is to be continued, 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 return to a government under and in accordance with the usual forms of the law of the land. The state of the Union requires the adoption of such a course."

No warning could be laden with graver meanings than this. For months the Senate has had other warnings from other sources. It has gone its heedless way, a way that finally has become so near to lawlessness and legislative tyranny that the Chief Executive tries to recall it to its senses and its duties. Lending itself to partisanship, intrigues, and personal feuds, day by day it has drifted closer to this inevitable clash between itself and the President. In this quarrel it will find itself facing an aroused public opinion as well as the Chief Executive.

RECESS

Mr. CURTIS. I move now that the Senate carry out the unanimous-consent agreement and take a recess until 12 o'clock Monday.

The motion was agreed to; and (at 7 o'clock and 30 minutes p. m.) the Senate took a recess until Monday, April 14, 1924, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES

SATURDAY, *April 12, 1924*

The House met at 11 o'clock a. m.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

To Thee, we turn O Lord, with confidence and assurance. Lay Thy healing hand of blessing and approval upon us. O Spirit of God look upon any who may have lost courage, or hope, or a desire for better things. Strengthen all who have failed and fear to fail again. Stay the destructive materialism that has too often penetrated our national life and our individual characters. May we never be so bound by the present as to be unmindful of the eternal. May the day's service be such that it shall give invigoration to all things excellent and noble. We ask all, our Heavenly Father, for Thy glory and for our good. Amen.

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

SISSETON AND WAHPETON BANDS OF SIOUX INDIANS

Mr. YOUNG. Mr. Speaker, I ask unanimous consent that House Joint Resolution 241, which was referred to the Committee on Claims, be referred to the Committee on Indian Affairs.

The SPEAKER. The gentleman from North Dakota asks unanimous consent that the bill of which the Clerk will read the title be rereferred from the Committee on Claims to the Committee on Indian Affairs.

The Clerk read the title as follows:

Joint resolution (H. J. Res. 241) to provide that suit No. 33731 in the Court of Claims of the United States is hereby referred back to the Court of Claims of the United States with direction to consider and adjudicate the matters therein involved in the light of the intention of Congress, and for other purposes.

The SPEAKER. Is there objection?

Mr. GARRETT of Tennessee. Reserving the right to object, is it agreed that the rereference shall be made; has the gentleman talked with the chairmen of the committees?

Mr. YOUNG. Yes; the Committee on Claims thinks it should be referred to the Committee on Indian Affairs, and the Committee on Indian Affairs is willing that it should go there.

Mr. GARRETT of Tennessee. Is it the opinion of the gentleman that the Committee on Indian Affairs has jurisdiction and that it is the proper place?

Mr. YOUNG. I would not care to express an opinion, because I have given it no study. The chairman of the Committee on Claims believes it belongs to the Committee on Indian Affairs.

The SPEAKER. The Chair referred it to the Committee on Claims, and thinks it could be referred to either committee. The gentleman from North Dakota and the chairmen of both committees prefer that it should go to Indian Affairs. Is there objection?

There was no objection.

ENROLLED BILL PRESENTED TO THE PRESIDENT FOR HIS APPROVAL

Mr. ROSENBLOOM from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bill:

H. R. 6815. An act to authorize a temporary increase of the Coast Guard for law enforcement.

LEAVE TO ADDRESS THE HOUSE

Mr. BOIES. Mr. Speaker, I ask unanimous consent to address the House for 15 minutes immediately after the reading of the Journal on next Monday morning on agricultural legislation.

The SPEAKER. The gentleman from Iowa asks unanimous consent that he may address the House for 15 minutes immediately after reading the Journal on next Monday morning on agricultural legislation. Is there objection?

Mr. BLANTON. I do not want to object, but next Monday is set aside for District day. I do not think that this ought to come out of the time on that day. It is going to take all that day to pass the rent measure. Will not the gentleman ask for Tuesday or Wednesday instead?

Mr. BOIES. No; I have other engagements on Tuesday and Wednesday.

Mr. BLANTON. If the chairman of the District Committee is not ready to protect the District day I will not object.

Mr. LAGUARDIA. Mr. Speaker, the chairman of the District Committee is not here. The rent bill is set down for that day. It is a very important bill and I hope the gentleman will amend his request by making it Tuesday, because we require all of the time on Monday.

Mr. BLANTON. There is going to be at least four hours debate.

Mr. BOIES. In view of the fact that I have not encumbered the RECORD much for the last five years, I think I must adhere to my request.

Mr. HOWARD of Nebraska. If the gentleman from New York will permit a suggestion. I hope no objection will be lodged. This is the most vital problem before Congress. I have introduced a modest little bill this morning looking to the general relief of the farmers and I want my brother to help.

The SPEAKER. Is there objection?

There was no objection.

MEMORIAL SERVICES FOR L. E. SAWYER

Mr. OLDFIELD. Mr. Speaker, I present the following order and ask unanimous consent for its immediate consideration.

The Clerk read as follows:

Ordered, That Sunday, April 27, 1924, be set aside for memorial addresses on the life, character, and public services of Hon. L. E. SAWYER, late a Representative from the State of Arkansas.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The order was agreed to.

HOUR OF MEETING ON MONDAY

Mr. LONGWORTH. Mr. Speaker, I am informed that there is very important legislation to be brought up on Monday next. I am informed that it will take considerable time, and some gentlemen have asked that we meet an hour earlier. I ask unanimous consent that the House meet at 11 o'clock a. m. on Mondty next.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

Mr. UNDERHILL. Mr. Speaker, I am a member of the District Committee, and I am interested in District matters. I have a very important hearing on Monday and I feel that I must object.

The SPEAKER. The gentleman from Massachusetts objects.

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, the immigration bill.

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 Clerk read the title of the bill.

The CHAIRMAN. At the time the committee rose a vote had been taken on the Perlman amendment. A quorum did not vote and objection was made upon that ground. The committee then rose. The vote now recurs upon the Perlman amendment, which, without objection, the Clerk will again report.

There was no objection, and 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."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was rejected.

The CHAIRMAN. There is one other amendment pending, a committee amendment, offered by the gentleman from Washington [Mr. JOHNSON], which the Clerk will again 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."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. ROGERS of Massachusetts. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. ROGERS of Massachusetts. Is it in order at this point to offer an amendment numbered section 9½, assuming that the amendment is otherwise in order?

The CHAIRMAN. The chair is of opinion that it is in order.

Mr. ROGERS of Massachusetts. Mr. Chairman, I offer the following amendment which I send to the desk and ask to have read.

The Clerk read as follows:

Amendment offered by Mr. ROGERS of Massachusetts: Page 14, after line 12, insert the following as a new section:

"SEC. 9½. 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 involuntary 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 (according to 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 this amendment, at its being offered at this time. Page 14 has been read down only to and including line 12, after which we passed over certain portions of the bill and read other sections. I am of opinion that before this amendment could be offered on this page something on the page would have to be read.

The CHAIRMAN. The Chair thinks that a new section offered which is germane to the bill and which departs from the specific plan of the bill may be offered either before or after the section which deals with the same subject. The Chair is of opinion that it is in order so far as place is concerned.

Mr. JOHNSON of Washington. The committee ceased reading on page 36. How does the committee get back to page 14?

The CHAIRMAN. Under the unanimous-consent agreement.

Mr. JOHNSON of Washington. Having gotten back to page 14, is it not necessary to read something on that page?

The CHAIRMAN. The Chair thinks not.

Mr. JOHNSON of Washington. I wonder if we could agree upon time for debate on this amendment? If the gentleman from Massachusetts will be content with 10 minutes, the committee will be content with five minutes.

Mr. RAKER. Mr. Chairman, is it too late to make a point of order?

The CHAIRMAN. The Chair thinks it is not too late.

Mr. RAKER. I reserve the point of order. In the first place, I make the point of order that this is not germane to the paragraph. The Chairman intimated that it might be offered before the paragraph is read, to which it might be germane. Still I make the point of order that it is not germane to the preceding section. On two grounds it is not admissible at this time.

The CHAIRMAN. The Chair overrules the point of order. The Chair had this matter under consideration yesterday and gave particular study to the amendment. It seems to the Chair that it is in order.

Mr. JOHNSON of Washington. Mr. Chairman, I ask unanimous consent that debate upon the amendment and all amendments thereto be limited to 15 minutes, 10 minutes to be used by the gentleman from Massachusetts [Mr. ROGERS] and 5 minutes by myself.

The CHAIRMAN. The gentleman from Washington asks unanimous consent that all debate close on this amendment and all amendments thereto in 15 minutes, 10 minutes of that time to be occupied by the gentleman from Massachusetts and 5 minutes by himself. Is there objection?

Mr. TREADWAY. Mr. Chairman, do I understand that request to cover all amendments which may be offered to section 10 having to do with the percentage limitation?

The CHAIRMAN. Section 10 has not yet been read.

Mr. FAIRCHILD. Mr. Chairman, reserving the right to object, I suggest to the gentleman that I want to have five minutes on this very amendment.

Mr. DYER. Mr. Chairman, until we have heard from the gentleman from Massachusetts, I think we would better not make any agreement.

Mr. JOHNSON of Washington. Mr. Chairman, I withdraw the request for the present.

Mr. ROGERS of Massachusetts. Mr. Chairman and gentlemen of the committee, I shall explain briefly what this amendment does and what it does not do. In the first place, it is not intended as a substitute for section 10 of the committee bill for the first two years of the life of the law. In other words, the amendment which I propose will become operative, if adopted, only on July 1, 1926. The committee plan will be operative in the meantime. A date two years off is deemed necessary because of the very considerable difficulty, which is admitted by all, of ascertaining the facts which are necessary in order to apply the principle which is here proposed.

I claim no personal authorship of the substance of the amendment. A very similar proposal is pending in another body, where it is being very strongly urged, with, I am told, an excellent chance of adoption by that other body.

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

Mr. ROGERS of Massachusetts. Yes.

Mr. JOHNSON of Washington. Of course, the gentleman does not mean to invade the rule. Does he state that as a fact?

Mr. ROGERS of Massachusetts. I do not mean to invade the rule, and I do not invade the rule.

Mr. JOHNSON of Washington. I might say with equal strength that I have excellent information that it will not pass in the other body.

Mr. ROGERS of Massachusetts. It is not important, perhaps, what the other body thinks or does not think on the matter. It is for us to decide what our duty is. My objection both to the committee proposal carried in section 10 and to the minority proposal advanced as a substitute for section 10, as well as to the proposal advanced by the gentleman from New York [Mr. JACOBSTEIN] yesterday on the chart which was furnished us all, is that they all base quotas on foreign born in the United States and upon no one else. There are about 80,000,000 American born in the United States, as I recall, and about 20,000,000 or 25,000,000 foreign born. Why in the world in a matter of this moment we should establish our immigration policy upon the basis of the foreign born alone I can not for the life of me understand. I am not suggesting that we should not with propriety consider the foreign born here as one element in determining the quotas. I do mean to insist that we are entitled to consider those of us who were born here as another element in determining the quotas. But no plan except the "national origins" plan recognizes this elementary point. I do not know how many men of foreign birth there are in this House. However many there are, I am sure they are as patriotic and efficient citizens as those of us who are American born, but no more so. Let us assume there are 10 men of foreign birth in this House. Is there any reason that occurs to any man here why the other 425 of us should be excluded altogether in making up a quota? Why the quotas of immigration for the United States should be based only upon foreign born and why those born here in this country should be superciliously disregarded is altogether beyond me. I simply can not understand the reasoning.

Mr. RAKER. Will the gentleman yield?

Mr. ROGERS of Massachusetts. I can not yield now. That is the exact question before us. The national origins plan vaults completely over the controversy as to whether the admission quota should be based on the census of 1890 or on that of 1910 and lands upon broader grounds where larger considerations come into play. My plan, based on the foreign-born population as disclosed by any census, is indefensible. The same argument must be urged against the proposal that we take all four of the most recent censuses, average the foreign-born, and base the quota upon the average. The general principle is fallacious. It is certainly an attractive proposition that we should instead proportion our admission of immigrants, not to the numbers of racial or national representatives composing the alien colonies or foreign groups now in the country but to the quantities of the various racial and national elements which have

passed the refining test of the melting pot and have become amalgamated in the structure of the American Nation.

The CHAIRMAN. The time of the gentleman has expired.

Mr. ROGERS of Massachusetts. May I have five additional minutes?

The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent to proceed for five additional minutes. Is there objection?

Mr. MADDEN. Reserving the right to object, I desire to ask the gentleman a few questions if he gets those five minutes.

Mr. ROGERS of Massachusetts. I shall be glad to answer questions when I shall have completed my statement——

Mr. LaGUARDIA. I would ask that the gentleman have 10 minutes.

Mr. MADDEN. I object.

The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent to proceed for five additional minutes. Is there objection? [After a pause.] The Chair hears none.

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

Mr. ROGERS of Massachusetts. I will.

Mr. MADDEN. I notice the gentleman talks about native born and deprecates the wisdom of taking into consideration those who are of foreign nationality or foreign birth, and still he gets back all the time to a fixed percentage of the people from which those native born came, and after all you are taking into consideration people of foreign birth.

Mr. ROGERS of Massachusetts. I am taking into consideration the present foreign born as one element of the general problem. May I state exactly what the effect of the amendment is? It is to take the entire body of population resident in the United States exclusive of the descendents of the slaves. That number is some 95,000,000. The task then is to apportion that 95,000,000 by national origin—by British or French or German or Polish origin, or whatever each may be—then decide upon our total annual immigration—say, 200,000 or 250,000. Finally we apportion that total in exactly the proportions of the various national origins of the 95,000,000 residents of the United States.

Mr. MADDEN. Of course, that gets back to the place of origin all the time.

Mr. ROGERS of Massachusetts. It gets back to the place of origin, but allows the American people who were born here to be counted in the determination of what the immigration flow shall be. In other words the amendment bases immigration upon the cross-section of the entire population of the United States. Gentlemen, it does not discriminate against anybody; it does not discriminate for anybody. It simply says, let us take all as we are here in America—a great single American family—and resolve that on the whole our population will be improved if we apportion the immigrants of the future in proportion to the national origins of those who are already here.

Mr. VAILE. Will the gentleman yield?

Mr. ROGERS of Massachusetts. I do.

Mr. VAILE. The gentleman realizes, of course, that that is exactly what we do by the 1890 census?

Mr. ROGERS of Massachusetts. The 1890 census and the national origin amendment which I propose are not so widely different in their results. If anybody cares to see exactly what happens he will find the table originally presented by Senator REED of Pennsylvania and requoted in the RECORD of Tuesday, in the extension of remarks of the gentleman from New York [Mr. BACON].

Mr. WATKINS. Will the gentleman yield?

Mr. ROGERS of Massachusetts. I can not yield until I finish this answer. The results are not so widely different whether you take the racial origin method or whether you take the census of 1890 method. But, gentlemen, the point is right here. The 1890 method does involve discrimination.

Mr. RAKER. Will the gentleman yield?

Mr. ROGERS of Massachusetts. I can not yield. There is only one reason why you take the 1890 census. It is so that you shall reach a result which you want, even though by an unnatural route. To take the 1910 census is, in my judgment, almost equally indefensible. If we are going to take any census figure based on foreign born we ought to take the census of 1920, which is the last census taken. But, gentlemen, as I say, the result reached by the national origin method is not so different from the result reached by the 1890 census method. The reason why I prefer it is because it is manifestly fair. There is not a word that anyone can say against the principle of dividing our immigrants according to the national or racial origins of those already here.

Mr. WATKINS. Mr. Chairman, now will the gentleman yield?

Mr. ROGERS of Massachusetts. I yield.

Mr. WATKINS. In view of the fact that your suggestion is not very much different from the 1890 basis—in view of the fact that they are both about the same, except that yours is impracticable and can not be worked out—would it not be better to leave it as it is?

Mr. ROGERS of Massachusetts. That is an assumption that I do not agree to. Those most familiar with the question say that it is not difficult to work out the plan, and elaborate tables have been constructed to show how the method will result in practice. I say again that when you are striving for a certain result it is always better to attain that result by a fair and reasonable and nondiscriminatory route than by the reverse. He does not like to argue that the end justifies the means.

The CHAIRMAN. The time of the gentleman from Massachusetts has again expired.

Mr. TREADWAY. Mr. Chairman, I ask unanimous consent that the gentleman may have one minute more.

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

There was no objection.

Mr. RAKER. Reserving the right to object, Mr. Chairman——

The CHAIRMAN. The Chair has already made the announcement that there was no objection.

Mr. TREADWAY. My colleague says there is no practical difference between the 1890 census and the plan he proposes.

Mr. ROGERS of Massachusetts. I did not mean to say that there is no practical difference. There is a difference with respect to some nationals of 10 to 15 per cent or even more.

Mr. TREADWAY. May I call the attention of my friend to the difference in the entrants from Italy? Under this bill there would be admitted 3,889, whereas under the gentleman's amendment there would be 11,755. Under the Johnson bill Great Britain gets 62,458, and under the gentleman's scheme Great Britain would get 182,221, according to the gentleman's figures.

Mr. ROGERS of Massachusetts. That is based on a total of 300,000, and my proposal is on the basis of 200,000.

Mr. TREADWAY. But the percentage would remain the same.

Mr. ROGERS of Massachusetts. In conclusion, gentlemen, I frankly am not so deeply concerned with the results, from the standpoint of foreign nations. I know the proposed method is fair, reasonable, and free from discrimination. I have not scrutinized very minutely what happens to the nationals of any particular country. I am looking at the question as an American and not as a European. From that aspect there can be no dissent to its desirability.

Mr. JOHNSON of Washington. Mr. Chairman, I rise in opposition to the amendment submitted by the gentleman from Massachusetts [Mr. ROGERS]. This plan receives the name of "National origins" plan. To use plain, blunt words, it appears to be a stalling plan. It is a postponement. If you will read it carefully, you will see that it is to devise another plan to lay on top of the quota plan and to be effective two years hence, which means two years more of struggle. If the plan is good, it can be considered by itself at some future date and offered after we have received assurance; after we have secured some restrictive immigration. [Applause.]

Now, a lot of work has been done in the effort to find something about national origins, and gentlemen who have not read the first monograph from the census, entitled "Increase of Population in the United States from 1910 to 1920," will do well to secure a copy and read it. It is a valuable and interesting document. It can be had at the Census Office. In that publication are fully a hundred pages devoted to an effort to discover the nationalities of the stock of the people of the United States.

This plan proposes to have the Census Office do the work. In this book which I have named, where they tried to do it the discovery is made that the first thing they have to do is to decide upon one of three or four plans, and it starts on the assumption that everybody who was here at the time of the first census was of a certain national origin. You must have some base to start with. In my opinion the census would have to work a year to come to some sort of artificial conclusion. But why carry on the dispute? I have not the time to read extracts from that book.

An interesting example of an attempt to assign a numerical value in 1910 to a group whose origin was traced from 1790, is that of the experiment in respect of the so-called native stock, namely, of the 3,000,000 whites enumerated in the census of 1790. This experiment was carried on by the Census Bureau in 1909, and a discussion of the methods and results is found

in the earlier census book, entitled "One Hundred Years Under the Census," and other experiments are described in Census Monograph No. 1, "Increase of Population in the United States in 1910-1920." The bureau consumed three months in making this computation. That is to say, if they find that my grandfather was Scotch, by the time they reached my ancestor I am supposed to be seven-eighths Scotch, so that there is seven-eighths in your table and one-eighth out, and they have got to get the other seven-eighths in order to get a unit of mixed ancestry. It runs into the thinnest figures possible.

Here is a letter from Chicago under date of April 8, 1924, showing the results attained when a man tries to peek a little into this thing. The writer says:

I have a partner, American born, of Swedish parentage. He married a girl of Scotch ancestry.

His sister married a man, American born, of English ancestry.

My banker is of Norwegian parentage, and married a girl of German parentage.

His brother married a girl of English ancestry.

His sister married a man of Danish ancestry. I, myself, am American born, of German ancestry. I married a girl of Irish parentage. My brother is married to a girl of Norwegian-English ancestry.

[Laughter.]

And so he goes on. What does it amount to? National origins? It is a stalling proposition, and if you want to pass this bill on the 1890 plan so that you will know what you are doing, do not go after such interesting but uncertain dreams. [Applause.]

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

Mr. BOX. Mr. Chairman, the committee does not believe that the plan it has presented is perfect, but they do believe that this proposed plan is so indefinite and so uncertain and so illy digested that the House would make a serious mistake in departing from the well-considered plan of the committee and taking up this one now. [Applause.]

Mr. FAIRCHILD. Mr. Chairman, I rise in opposition to the amendment of the gentleman from Massachusetts [Mr. ROGERS], although I agree with it in principle. I may vote for his amendment; but if I do, it will be upon the theory that I join the Committee on Immigration in the desire to restrict immigration into this country so that we may have complete opportunity to fully assimilate the foreign born. For this reason I am disposed to vote for any amendment that will eliminate the discriminatory provision of the bill while at the same time securing the desired restriction of immigration.

I am opposed to the bill as reported out of the committee because—and only because—I am unalterably opposed to the discriminatory provision—a provision that is born not of Americanism, not from any thought of American ideals and American traditions, but born of an intolerant race animosity which should find no place on American soil.

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

Mr. FAIRCHILD. Yes.

Mr. BOX. If it is discriminatory to go back to 1890, would it not be at least three-fourths discriminatory to go back to 1910, 1900, and 1890 for three-fourths of the quota basis?

Mr. FAIRCHILD. If the gentleman will get me more time, I will go into that phase of the question; but in the limited time that I have I want to confine myself to the development of this mere statement, that I can not vote for this bill if when it comes to the final passage it includes the discriminatory provision that transfers the quota from 1910 to the 1890 census.

It has been announced on the floor of this House by the advocates of this discriminatory provision, and it has been proclaimed all over the country in public speeches by some of those same advocates, that the purpose of the substitution of the 1890 census for that of 1910 is to discriminate against certain nationalities.

When you advocate such a theory you are doing an irreparable harm to America. You are introducing on our American soil the racial animosities and racial broils of Europe. You are dividing, when we should seek to unify. You are estranging, when we should seek to amalgamate and to Americanize. You are embarrassing every effort that is being made to impress upon our new citizens the spirit of America, the meaning of American institutions, and the American system of government.

Before the European war opened it was one of the glories of America that when the foreign born left Europe they left behind them all European animosities that have so frequently plunged European nations into war and have prevented the unification and understandings that would mean permanent peace in the world. When they arrived here, forgetting all their racial differences, they have worked together, the people of many nations, side by side in friendly competition and in the spirit of fraternity. Such has been America, and such may America continue. Those who seek to change all this through discriminatory legislation such as is here proposed, and through intolerant expressions breathing race hatred such as I have heard on the floor of this House from the advocates of this discriminatory provision, are threatening the very life of America.

Mr. Chairman, I am speaking of the races that can be assimilated and have been assimilated in the development of the virile American race. I speak not of the Japanese or Chinese. They belong to races separate and distinct and can not be assimilated. I am in hearty sympathy with the provision of the bill which seeks to exclude those races that are ineligible to citizenship. I am in hearty accord with all that has been said on this subject by my colleagues from California. We should admit no one into this country who can not be assimilated and is ineligible to citizenship. Those who can be assimilated and who are eligible for citizenship we should admit only as rapidly as they can be assimilated. We can not be too careful on this score. The Immigration Committee has had more than five years since the close of the European war to frame a proper restriction policy that will protect American interests, and it is extremely unfortunate that they have injected into this very desirable purpose an un-American spirit of racial animosity as unnecessary as it is deplorable.

The gentleman from Massachusetts [Mr. ROGERS] by his amendment proposes to base immigration not upon a percentage of foreign born in this country in any one year but upon all those who have come to our shores before and since the foundation of our Government. Although agreeing with this proposition in principle, I am opposed to the amendment because it is unworkable. It is a suggestion that the Census Bureau ascertain the unascertainable. All the figures which have been given in this debate, all of the figures which were included in the remarks on last Tuesday by my colleague from New York [Mr. BACON], and those which have been referred to by the gentleman from Massachusetts [Mr. ROGERS] this morning, are based upon a Census Bureau publication written by Doctor North in 1900, entitled "A Century of Population Growth (1790-1900)." Doctor North reaches conclusions and percentages of nationalities based upon false premises. The theories which for his purpose he adopts and the percentage of nationalities which he gets in the working out of his theories are widely divergent from everything we have read in American history about the emigration from Europe to America.

The CHAIRMAN. The time of the gentleman has expired.

Mr. FAIRCHILD. May I have five minutes more?

The CHAIRMAN. The gentleman from New York asks unanimous consent to proceed for five additional minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. JOHNSON of Washington. Will the gentleman include in his statement that some of these tables are also based on the three or four plans which are contained in the book which I have just mentioned, compiled by William S. Rossiter?

Mr. FAIRCHILD. Yes; those are the same four plans, I believe, which were adopted by Doctor North. But before he develops his theories to produce the results he wants to produce he makes certain admissions, and I am going to quote from some of those admissions. He starts out with this statement:

In modern census taking nationality is determined by the response of the individual to the question concerning place of birth or the place of birth of parents. Such a classification is obviously impossible in connection with the first census, as the only means of determining nationalities of whole families at that census is by inspection of the names of the heads of families as they appear upon the existing schedules.

Then in another place he says:

Reference has already been made to the fact that analysis of nationality at the first census is necessarily limited to the schedules which are still in existence.

Then he goes on and shows that many schedules have been missing from all the different Colonies and different States. Then he illustrates by detailed reference to several States. In the brief time I have I can not quote them all. I will quote his reference to the State of New Jersey, where he says:

The earliest schedules for the State of New Jersey which are in existence are those for the Fifth Census (1830). * * * A list of the freeholders of Somerset County in the year 1790 was secured and an analysis was made of these names.

The result of his analysis showed that in many Colonies no census whatever was taken, and that other schedules were mutilated and obliterated.

He then adopted the theory of determining nationalities from the names of the heads of families in the United States at that time. Not the heads of all families in the United States, for such information was lacking. He limited himself to the names of heads of families of freeholders. Anyone who reads the history of the United States knows that during all that period, when there was an English landed aristocracy along the Atlantic seaboard—and I can speak with freedom, for I can speak like St. Paul, as one who is free born, because I can date all my ancestry in every branch of the family tree back before the Revolutionary War—anyone who reads the pages of history knows that during all the years of the English landed aristocracy in colonial days, those English landholders were the heads of freeholder families. During all that period there were great shiploads of immigrants coming from Germany and from other European nations, other than England, whose passage was not paid and who were bound out when they arrived at these shores to these landholders for three years and five years. Those immigrants composed the large body of the population of the Atlantic seaboard in New York, New Jersey, Delaware, Pennsylvania, and Connecticut, and yet they are not taken into account by Doctor North when he undertakes to determine the percentage of nationalities from his belief as to the nationality of names limited to the names of freeholders. The large body of the population are ignored by Doctor North's estimate, based upon what?

Not upon ascertaining the nationality of the people in 1790, of a little over three million who were then here, and not based even upon the heads of families—because they did not attempt to take the heads of all families—but based upon the heads of families of the English landed aristocracy that existed at that day, largely the Tories of Revolutionary days and from whom no doubt come the Tories of the present day. By this method Doctor North obtains an abnormally large percentage for the English nationality at the date of the 1790 census—a larger percentage than the reading of history discloses.

Ah, my friends, you talk about hyphenated citizens and you talk about the Anglo-Saxon race. I would like to hear a little more on this floor about the American race. [Applause.] You talk about hyphenated citizens. Ah, my friends, the immigration of some of the nationalities against which you inveigh, some of the nationalities against which you show so much animosity, as we who have observed them and have had experience with them know, after they have been naturalized they lose their hyphens, and if they do not lose their hyphens at once, their descendants only one generation removed completely lose the hyphen. But some of the gentlemen who forget the American race, who talk only about the Anglo-Saxon race on this floor and on the stump and who say they date their ancestry back to the beginning of the Republic, make it self-evident that all the generations since the Revolutionary War have not been sufficient to make them forget their English hyphen. Let him who is without sin cast the first stone. Do less talking about your English ancestral race and do a little more talking about the American race. Are not all the generations since the Revolutionary War sufficient for you to forget your hyphen? Be American first and always American. The spirit of America is against all hatreds, all animosities, all intolerance, all class distinctions. The spirit of America is brotherly love. [Applause.]

The CHAIRMAN. The time of the gentleman has again expired.

Mr. JACOBSTEIN. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from New York is recognized.

Mr. JACOBSTEIN. Mr. Chairman, I subscribe most heartily to what my colleague from New York [Mr. FAIRCHILD] has just said. I have been making a study of the volume to which reference has been made, and only this morning I had in my hand the volume in which is listed the heads of these families to which reference has been made. I discovered, by checking up the membership of this House, that there are 150 of us who can not trace our origin back to the surnames listed in 1790. There are at least 150 of us who might be declared to be foreigners by those whose ancestors were here in 1790.

I think it is a great mistake to emphasize, as my colleague has pointed out, "race origins," whether you go back to 1790 or any other period. It is not where a man came from that is the American test, but what he is and what he does.

Mr. BUTLER. Will the gentleman permit a question?

Mr. JACOBSTEIN. Yes.

Mr. BUTLER. The gentleman's remarks are interesting, and let me ask him why he refers to the year 1790?

Mr. JACOBSTEIN. The only reason they take 1790 is because our first census in the United States was taken in that year. And the first census of 1790 is very inadequate, because it did not include the entire population, as has been pointed out.

The proposal of the gentleman from Massachusetts [Mr. ROGERS] that racial or national origins be taken as a basis for computing the quotas is neither fair nor practicable. The gentleman who introduced the bill admits it will take two years to collect the data, and when it has been collected it is questionable whether or not the figures will be at all true to facts. The "national" or "racial" origins theory is as impracticable and unfair as the 1890 census is discriminatory. I have proposed, in connection with the chart which I presented yesterday, to take as nearly as I can a cross section of America for the last 40 years.

I want it understood that I believe there are some splendid provisions in the Johnson bill. I think, first of all, it is constructive. I really believe the Johnson bill is a constructive immigration bill. I believe it is humane in many of its provisions. I believe it is a vast improvement over the present law, and for that reason I am anxious to have incorporated in it a basis for computing the immigration which will not subject us to the criticism that we are being subjected to—that we are discriminating against races or nationalities. I will say to the members of the committee who presented this report that it is because I believe in so many of the provisions of this bill that I am so solicitous about getting a fair American basis for calculating the quotas, and for that reason I have proposed taking the average of four censuses.

When you take a cross section of 40 years of American history you reach the people that came here back as far as 1870 and 1860. The immigrants of these decades from 1860 to 1890 were reported in 1890 as foreign born, so that you really go back 50 and 60 years. You understand that when you take my average for four census periods you include the foreign born who were registered here in 1890, but the people who were registered in 1890 might have come in 1880, 1870, or even 1860. So that you have at least a cross section of half a century, and I claim that is a fair proposition.

As I said the other day, and as I repeat now, to take any one year, whether it is 1890 or 1910 or 1920, is manifestly unfair, because under such a plan you give preference to the people who arrived in greatest numbers nearest to these census years.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. JOHNSON of Washington. Mr. Chairman, I move that debate on this amendment and all amendments thereto do now close.

The motion was agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts [Mr. ROGERS].

The question was taken, and the amendment was rejected.

Mr. ROGERS of Massachusetts. Mr. Chairman, I offer another amendment.

The CHAIRMAN. The gentleman from Massachusetts offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. ROGERS of Massachusetts: Page 14, line 12, insert a new section, as follows:

"(9½) That a commission is hereby created consisting of three Senators, to be appointed by the President of the Senate, three Members of the House of Representatives, to be appointed by the Speaker, and three persons to be appointed by the President. Such commission shall make full inquiry, examination, and investigation, by subcommittee or otherwise, into the subject of the racial and national origins of all persons resident in the United States, with especial reference to the racial and national origins of persons residing in the United States in the year 1920 and thereafter. For the purpose of such inquiry, examination, and investigation said commission is authorized to send for persons and papers, to administer oaths and to examine witnesses respecting all matters pertaining to the subject, to call for information and expert assistance from the Bureau of the Census and from any other agency of the Government, to receive and utilize any information that may be available from nongovernmental sources, and to employ necessary clerical assistance. As soon as possible, but in no event later than December 1, 1925, such commission will report to the Congress the facts and conclusions arrived at by it and make such recommendations as in its judgment may seem proper, especially with relation to the practicability and desirability of apportioning future immigration into the United States in accordance with the racial or national origins or strains of persons already resident in the United States. Such sums as may be necessary for the said inquiry, examination, in-

vestigation, and report are hereby authorized to be appropriated, including all expenses of the members of the commission and a reasonable compensation, not exceeding $10,000 per annum, to be fixed by the President of the United States, to those members of the commission who are not Members of Congress."

Mr. JOHNSON of Washington. Mr. Chairman, I make the point of order that the amendment is not germane to the section and not germane to anything contemplated in this bill.

Mr. ROGERS of Massachusetts. Mr. Chairman, may I be heard for a moment?

The CHAIRMAN. The Chair will hear the gentleman.

Mr. ROGERS of Massachusetts. This amendment creates a commission of nine members to study the data on which conclusions may be based as to a proper determination of quotas. The amendment is a very close paraphrase of the section which was carried in the general immigration law of 1907, which also created a commission, with which the Chair is undoubtedly familiar. It is my impression, Mr. Chairman—and I regret I have not verified the impression—that a point of order was made against the commission provision in that bill and was overruled on the ground that the creation of the commission was a natural element in the problem of sound immigration legislation.

Mr. JOHNSON of Washington. Will the gentleman yield?

Mr. ROGERS of Massachusetts. Yes.

Mr. JOHNSON of Washington. But that legislation, which became the act of 1907, was a general act covering all general provisions of immigration, and this is an act to restrict immigration.

Mr. ROGERS of Massachusetts. Mr. Chairman, this commission is proposed to be created for the specific purpose of determining quotas, whereas the previous immigration commission was created for the general purpose of dealing with all immigration questions; and this bill is a bill to fix quotas. The analogy is perfect and complete. I suppose, Mr. Chairman, there would be no doubt that if the Committee on Immigration had reported this proposed section as a part of the bill, it would have been regarded as a proper activity of the committee, and the section would have been held in order. While I realize that is not determinative upon the decision of the Chair, the question is whether a Member of the House should not have some opportunity to present a proposal of this sort even though the committee has not carried it in its recommendation.

The CHAIRMAN. The Chair is ready to rule. The amendment offered by the gentleman from Massachusetts [Mr. ROGERS] is an amendment which purports to create a commission to study the immigration question, and requiring the commission to report to Congress. The bill to which this is offered is a bill which is designed to restrict the number of immigrants that may come into this country, definitely determined by the processes named in the bill. It has been held in a number of instances that where there is a bill providing for a definite plan to do something an amendment which refers the matter to another tribunal is not in order. The Chair recalls a precedent where there was a bill to make an appropriation for the payment of certain claims and an amendment was offered referring the matter to the Court of Claims, and the Chair held it out of order. There is another precedent where the gentleman from Illinois, Mr. Mann, I think, offered an amendment to a tariff bill to create a tariff commission to study certain matters, and the Chair in that case held that it was not germane.

The Chair is of the opinion that the proposed amendment is not germane to the bill or to the section, and the point of order is sustained.

Mr. VESTAL. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

At the end of section 9, insert a new section to be known as section 9½, and to read as follows:

"SEC. 9½. To facilitate the regulation of immigration it shall be the duty of all aliens residing in the United States and all aliens sojourning in the United States to register in such United States judicial district before such officer of the Immigration Service as may be designated by the Commissioner General with the approval of the Secretary, and such registration shall include the full name of the alien, his nationality, age, personal description (including height, complexion, color of hair and eyes), date and place of birth, marital status"——

Mr. JOHNSON of Washington. Mr. Chairman, it is quite clear from the reading of the amendment so far that it deals with naturalization, and is not germane. I make the point of order against it, and I ask that the further reading be dispensed with.

The CHAIRMAN. The gentleman from Washington makes the point of order that the amendment has been sufficiently read to make it apparent that it is not germane. Does the gentleman from Indiana desire to be heard on the point of order?

Mr. VESTAL. No; Mr. Chairman, I do not.

The CHAIRMAN. The Chair is of the opinion that this amendment dealing with the registration of aliens is not germane. The Chair therefore sustains the point of order.

Mr. CHINDBLOM. Mr. Chairman, will the amendment of the gentleman from Indiana be printed in the RECORD in full?

The CHAIRMAN. It will not except by unanimous consent.

Mr. CHINDBLOM. I ask unanimous consent that the gentleman's amendment be printed in full in the RECORD.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that the amendment of the gentleman from Indiana be printed in the RECORD in full. Is there objection?

There was no objection.

The amendment in full is as follows:

Amendment offered by Mr. VESTAL: At the end of section 9 insert a new section to be known as 9½, and to read as follows:

"SEC. 9½. (a) To facilitate the regulation of immigration it shall be the duty of all aliens residing in the United States and all aliens sojourning in the United States to register in such United States judicial district before such officer of the Immigration Service as may be designated by the Commissioner General with the approval of the Secretary, and such registration shall include the full name of the alien, his nationality, age, personal description—including height, complexion, color of hair and eyes—date and place of birth, marital status, name and place of residence of spouse and children, if any, name and place of nearest relative in the United States and of nearest relative abroad, date and place of arrival, and if through a port the name of the vessel on which he arrived, and at the time of registration the alien shall also furnish to the officer such photograph as may be required by regulations prescribed under authority of this act. Every alien so registering shall be issued a certificate of registration with a photograph of the alien permanently attached thereto.

"(b) To defray the cost of registration and for the license to remain in the United States, subject, however, to all provisions of the immigration laws as if such registration were not required, it shall be the duty of each alien registering under the provisions of this act to pay to the issuing officer a fee of $5, which fee said officer shall collect and account for as other public moneys, but no fee shall be collected for the issuance of a certificate of registration to an alien woman registering with her husband or to a minor child registering with the parent; to any alien who, subject to regulation prescribed under this act, establishes by affirmative proof satisfactory to the officer issuing the certificate of registration that he is temporarily in the United States; to any alien who has served in the military or naval forces of the United States and was discharged therefrom under conditions not dishonorable; to any alien whose unexpired petition for naturalization is pending in a court competent to naturalize aliens; to any alien in continuous transit through the United States; to any alien who has resided in the United States more than five years immediately prior to date of registration and whose admission, as shown by the records of the Immigration Service, was lawful; to any alien who is a public charge; to any alien who has been registered under the act of May 5, 1892, entitled 'An act to prohibit the coming of Chinese persons into the United States,' as amended by the act of November 3, 1893; to any alien who establishes under oath and the affidavit of at least one credible witness, who is a citizen of the United States, that he has resided in the United States for not less than 10 years immediately prior to the date of registration; or to any alien of a class prescribed by regulation made under this section, such regulation to contain a statement of the facts which would render the payment of such a fee a grave and unusual hardship upon aliens of such class.

"(c) All aliens shall register as provided in this act within a period of 60 days, beginning the first Monday of August after the coming into effect of this act and during a corresponding period every two years thereafter.

"(d) Duplicates shall be made of all certificates of registration at time of issuance, and at least one duplicate of each certificate issued shall be preserved in the Department of Labor. There shall be kept in said department a register alphabetically by name of alien of all certificates of registration issued, and the absence of any record in such register of the alien having registered at each time required by the provisions of this section shall, for the purposes of this act, be deemed prima facie evidence that such alien has failed to comply with the provisions of this section.

"(e) Any alien who shall fail or refuse to comply with the provisions of this section or who, after the expiration of the first period of registration described herein or any time thereafter, shall be found in the United States without having a certificate of registration as required by the provisions of this section shall be deemed to be unlawfully within the United States, and at any time within three years after such failure or refusal shall be taken into custody and deported at the expense of the appropriation for the enforcement of this act, in the same manner as provided for in sections 19 and 20 of the immigration act of 1917, unless he shall establish by affirmative proof to the satisfaction of the Secretary that he has registered as required by this act, or unless he shall establish under oath and upon the affidavit of at least one credible witness, who shall be a citizen of the United States, to the satisfaction of the Secretary, that by reason of accident, sickness, or other unavoidable cause such alien has been prevented from registering and procuring such certificates at the time fixed by this act, and upon the establishment of such fact a certificate shall be granted to the alien upon his compliance with the other requirements of this section.

"No alien deported under this section shall be readmitted to the United States within three years after such deportation, although otherwise admissible under the immigration laws, unless the Secretary shall have consented to the application of such alien for readmission.

"(f) Any employee of the Immigration Service designated under authority of this act to register aliens shall have power to administer oaths in connection with the registration of aliens. Every alien registering under this act and every person applying for the registration of an alien where such alien is incapable of registering because of mental or physical incapacity shall make oath to the application for registration.

"(g) Certificates of registration shall be printed on distinctive safety paper and shall be prepared and issued under regulations prescribed under this section.

"(h) (1) Any person who, under oath, shall knowingly make any false statement in connection with the registration of any alien, or who knowingly forges, counterfeits, alters, attempts to use, possess, obtains, accepts, or receives any such certificate knowing it to be forged, counterfeited, altered, or falsely made, or to have been procured by means of any false claim or statement or to have been otherwise procured by fraud or unlawfully obtained, or who, except under direction of the Secretary or other proper officer, knowingly possesses any blank certificate, or engraves, sells, or brings into the United States or has in his control or possession any plate in the likeness of a plate designed for the printing of such certificate, or makes any print, photograph, or impression in the likeness of any such certificate, or has in his possession, without authority from the Secretary or other proper officer, a distinctive paper which has been adopted by the Secretary for the printing of such certificates, shall, upon conviction thereof, be fined not more than $10,000 or imprisoned for not more than five years, or both.

"(2) Any person who when registering under the provisions of this act in connection with the registration of any alien personates another person, or falsely appears in the name of a deceased person, or sells or otherwise disposes of, or offers to sell or otherwise dispose of, any such certificate to any person not authorized by law to receive such document, shall upon conviction thereof be fined not more than $10,000 or imprisoned for not more than five years, or both.

"(i) The Commissioner General, under the direction of the Secretary, shall have charge of the administration of this section, and under such direction shall establish such rules and regulations and prescribe such forms of bonds and other papers as may be necessary to carry into effect the provisions of this section."

Mr. CELLER. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Amendment offered by Mr. CELLER: Page 14, after line 12, insert as section 9½: "Nothing in this act shall affect the validity of the 'gentlemen's agreement' of 1907 between the United States and Japan concerning immigration from Japan, which agreement is hereby reaffirmed."

Mr. JOHNSON of Washington. Mr. Chairman, I make the point of order against the amendment. There is nothing in the text before or after relating to the subject matter of the amendment.

The CHAIRMAN. The gentleman from Washington makes the point of order that the amendment is not germane.

Mr. CHINDBLOM. In addition to the point made as to germaneness of the amendment the last part of it is clearly not germane to the bill, as it ratifies an agreement which the Congress never made. That was made by the State Department.

Mr. CELLER. Mr. Chairman, I believe the amendment which I have offered in good faith is quite germane and relevant and also competent because it refers to immigration from a country which has sent immigrants to us heretofore under such conditions. For that reason I think it is perfectly proper and germane at this time. I call attention to the amendment also that the House may have an opportunity to vote on it, particularly as one gentleman referred to the fact that a part of the amendment relates to an agreement made by the State Department. This morning we have received from the press a series of communications that have passed between the ambassador of Japan and the Secretary of State relative to this so-called agreement.

Mr. JOHNSON of Washington. Mr. Chairman, I make the point of order that the gentleman is not speaking to the point of order.

Mr. CELLER. I can not presume to indicate the reason for the amendment unless——

The CHAIRMAN. The Chair is ready to rule. The amendment offered by the gentleman from New York is an amendment dealing with diplomatic relations. It is not germane at this point of the bill if germane at all, and the point of order is sustained.

The Clerk read as follows:

PERCENTAGE LIMITATIONS

SEC. 10. (a) When used in this act the term "quota" when used in reference to any nationality means 100, and in addition thereto 2 per cent of the number of foreign-born individuals of such nationality resident in the United States as determined by the United States census of 1890.

(b) There shall be issued to quota immigrants of any nationality (1) no more immigration certificates in any fiscal year than the quota for such nationality, and (2) in any calendar month of any fiscal year no more immigration certificates than 10 per cent of the quota for such nationality, except that if such quota is less than 300 the number to be issued in any calendar month shall be prescribed by the commissioner general, with the approval of the secretary, but the total number to be issued during the fiscal year shall not be in excess of the quota for such nationality.

(c) Nothing in this act shall prevent the issuance (without increasing the total number of immigration certificates which may be issued) of an immigration certificate to an immigrant as a quota immigrant even though he is a nonquota immigrant.

Mr. JOHNSON of Washington. Mr. Chairman, I have a committee amendment to correct the spelling on page 15, line 9.

The Clerk read as follows:

Page 15, line 9, correct the spelling of the word "immigrant."

The amendment was agreed to.

Mr. JOHNSON of Washington. I want to see if it is not possible to arrange time in which to debate this section. I would like to propose that debate on all amendments to this section close in 30 minutes.

The CHAIRMAN. The gentleman from Washington asks unanimous consent that all debate on this amendment close in 30 minutes.

Mr. LAGUARDIA. I object.

Mr. JOHNSON of Washington. Mr. Chairman, I make it one hour.

The CHAIRMAN. The gentleman modifies his request and makes it one hour.

Mr. LAGUARDIA and Mr. MACGREGOR objected.

Mr. MADDEN. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 14, line 16, after the word "the," strike out the remainder of the paragraph and insert in lieu thereof the following: "Average number of foreign-born individuals of such nationality resident in the United States as determined by the United States census of 1890, 1900, 1910, and 1920.

Mr. MADDEN. Mr. Chairman, the amendment which I propose, if adopted, would allow 207,848 immigrants to come into the United States in any one year. The existing law allows 357,801. The bill which is before us without amendment under the recommendation of the committee would bring in 161,990. If the 1910 census should be the basis, there would be 240,459. Under the 1920 census, 300,000. These figures which I quote have been compiled by the gentleman from New York [Mr. JACOBSTEIN].

Mr. CLARKE of New York. In the figures in the Greek quota there is a mistake of 10,000.

Mr. MADDEN. These are supposed to be the census figures.

Mr. JACOBSTEIN. Mr. Chairman, if the gentleman will permit, in the copy that I distributed yesterday there was a typographical error. The Greeks were given 11,540, and it should have been 1,540.

Mr. MADDEN. The Senate recommended 2 per cent of the 1910 census, with a minimum of 100. The third column shows

1910 and the fourth 1920. The fifth column shows 207,000, which is the average of all of the years for 40 years. It seems to me that this amendment is the fairest proposal that has been presented to the House. It does not favor any particular class. It does not discriminate against any particular class.

It does not bring in an overwhelming number of any class, and it does not bring in an overwhelming number in the aggregate. It is a very small addition to the number proposed in the pending bill. It takes out the inequalities that exist in the bill as I see them. It places the question of immigration on a more equitable basis, a less discriminatory basis. It favors no class whatever. It does not seek to favor; it seeks to do justice, to protect America from an overwhelming inflow of undesirables, and at the same time not hit any element in the face. The bill which is before us has a great many salutary provisions, but the one thing about which I think we ought to properly differ is the quota list proposed in the bill.

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

Mr. MADDEN. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. MADDEN. We can properly differ on this question without having anyone charge that we are not endeavoring to legislate for the best good of the country, and after all our first and last duty is to legislate for America. That is what I propose; that is what this amendment proposes. I would be the last man here to suggest an amendment which would let the bars down. I really would not object myself if you closed the ports for a couple of years to all immigration. [Applause.] I believe I could vote for that and I say now frankly that I would vote for it, and I would prefer to vote for that than to vote for the proposal which the committee makes.

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

Mr. MADDEN. Yes.

Mr. WATKINS. I call the gentleman's attention to two nations in this table just to show that it is discriminatory—Czechoslovakia and Italy. Czechoslovakia with 14,357 is reduced to 6,467, which is over 50 per cent. Italy is reduced from 42,057 to 18,989, which is over 50 per cent. If that is not discrimination, what is it?

Mr. MADDEN. Does the gentleman base that statement on the recommendations of the committee?

Mr. WATKINS. The present law and the proposal which the gentleman is advocating.

Mr. MADDEN. The present law would bring in 42,000 from Italy.

Mr. WATKINS. And what the gentleman is proposing is 18,000?

Mr. MADDEN. Yes.

Mr. LAGUARDIA. There can not be any charge of discrimination when the sum total is taken of all nationalities.

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

Mr. MADDEN. Yes.

Mr. GILBERT. Suppose the immigration previous to 1890 had been partly from one section and the immigration since 1890 had been largely from another section. Would there not yet be discrimination in favor of the so-called new immigration?

Mr. MADDEN. I do not think that we ought to deal with suppositions. I think we ought to deal with facts.

Mr. GILBERT. That is the fact.

Mr. MADDEN. That is what we must finally get to. In my amendment we propose to deal with the fact as it existed in 1890, in 1900, in 1910, and 1920, and we take the average of the admissions under all that series of years.

Mr. NEWTON of Minnesota. Why take merely 1890 to 1920, inclusive? Why not go back further than 1890?

Mr. MADDEN. There will be no objection to that as far as I am concerned.

Mr. JOHNSON of Washington. The real reason is that the census was not taken prior to 1890 in such a way that we could get at the total number of foreign born.

Mr. MADDEN. I think that is true. After all, if we take it over an average of 40 years——

Mr. TREADWAY. Is not that long enough?

Mr. MADDEN. I think it is. I appeal to the committee to incorporate this amendment in the bill.

Mr. ROSENBLOOM. Mr. Chairman, I offer a substitute to the Madden amendment, which I send to the Clerk's desk.

The Clerk read as follows:

Amendment offered by Mr. ROSENBLOOM as a substitute to the amendment offered by Mr. MADDEN: Page 14, line 17, after the word "individuals" insert "who shall have become American citizens," and in line 19, after the figures 19, strike out "1890" and insert "1920."

Mr. ROSENBLOOM. Mr. Chairman, it is not my purpose to preach a sermon, but, nevertheless, when Reverend Doctor Montgomery opened the House with prayer this morning there was one sentence to which he gave voice that I believe could well be repeated at this time. That sentence was:

May we never be so bound by the present as to be unmindful of the eternal.

When the founders of our country conceived the idea to erect a structure wherein all should be equal, the older nations of the world looked on skeptically, and derisively. From their selfish point of view, disciples of the fallacious doctrine of the divine right of kings, with their slaves and serfs who were predestined to a life of drudgery and labor to support the rulers, they could not visualize a country wherein any native-born citizen might be selected as its highest in authority, the President, and wherein the voice of the people could forever be reflected in the laws by which they chose to be governed. A country so constituted could certainly not endure, in their selfish opinions. What has transpired since is history. It is worthy to note that in this world to-day there is no longer a country wherein the king governs with the autocratic power of the days of the foundation of this country. The peoples of all of the countries who were subject to the tyrannic dictation of these rulers sought refuge here and helped to make this country great. It is not for me to say which country or which class of immigrants contributed most. If we did so as a body, if we undertook to say the English or the German is most desirable, or the Slav or the Pole is the least desirable, we would immediately destroy the regard which all have for our equity. There could not be an agreement in this instance, and as in any organization, private, business, or political, the first sign of decay is disagreement among the members. When you undertake to choose and select you discriminate.

Divest yourselves of any thought of discrimination. I will vote for this law. For protection, yes; to discriminate, no. To charge that any assimilable aliens are inferior or to designate any country or class as undesirable is unfair, and being unfair is un-American; because all have contributed to America's success and history.

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

Mr. ROSENBLOOM. Yes.

Mr. RAKER. Just what is the gentleman's idea about this amendment?

Mr. ROSENBLOOM. To make the basis of the individuals who are here those who have become American citizens—not to allow a million who may live here to have a quota of 10,000 to 20,000, with only 10,000 naturalized citizens, when another nation has sent 100,000, 50,000 of whom have become American citizens, and yet be allowed only 500.

Mr. RAKER. Has the gentleman figured that out?

Mr. ROSENBLOOM. Not exactly.

Mr. RAKER. Does the gentleman know that all of those who are opposing this bill stand diametrically opposed to that proposition?

Mr. ROSENBLOOM. I am stating my personal opinion.

What made the adoption of law by man possible? Nothing but the hope of the weak that the law would protect them from the strong. The mighty never desired law, but when it was inevitable, when they could no longer resist the popular demand for rules of conduct, they first sought to shape it so it would not apply to them—to exempt themselves from its provisions. They did not wish to be governed; and resenting law, every subterfuge was sought to evade it.

The CHAIRMAN. The time of the gentleman has expired.

Mr. ROSENBLOOM. Mr. Chairman, I ask unanimous consent to proceed for five additional minutes.

The CHAIRMAN. The gentleman from West Virginia asks unanimous consent to proceed for five additional minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. ROSENBLOOM. If I can define the sentiment of the people of this country, what they want is restriction of immigration, just as they want tax reduction. I believe they are entitled to both, and will vote for both. I do not believe that the people are eager for any one specific or particular plan in either instance. What they want is the result, and they are willing to submit to the mature judgment of the Congress to enact an equitable plan in both cases that will accomplish these purposes.

The task of the conscientious legislator in this country is more difficult because of the multiplicity of interests which every law is bound to effect. The people of the State of Washington may want one thing, the people of the State of New York another, and the people of New Orleans and San Francisco something entirely different. Capital may want certain

legislation directly antagonistic to the interests of labor, and vice versa. In my opinion, it is the obligation and the duty of representatives of the people to enact laws which will be of the greatest good for the greatest number.

There is much controversy as to what census the quota shall be based upon, 1910, 1900, or 1890. Our situation is more or less identical with the physician called to treat a patient for an infection of the hand. Doubtless the patient is suffering from the infection, more or less similar to the condition which the proposed legislation attempts to remedy—any worthy physician would first endeavor to control the spread of the infection. That is what we should do regarding immigration, if we fear continuation of uninterrupted and unrestricted immigration. Would you employ a physician whose only thought was as to whether he should amputate at the wrist, the elbow, or the shoulder? I believe we should adopt legislation which will meet the condition, with due regard for past, present, and future benefits accrued through immigration.

The amendment which I offered seeks to base the quota permitted to be admitted to this country on the basis of aliens who have become American citizens, which, I submit, is the final analysis and the acid test which should be applied to all who seek welcome in this land. All of you know that during the war, by special authority from Congress, aliens were naturalized in groups—those who were in the military service. They could be naturalized without the formality incident on ordinary naturalization. Wearing the uniform of the United States soldier was sufficient evidence of their interest and sincerity for the welfare of this country. Therefore, I say again, if we really seek an equitable, fair, and judicious foundation for our quota calculations, why not base it on the percentage of the aliens from any given country who had become American citizens by the end of the year 1920? The total would be less than in this bill. There was practically no immigration during the years of the war. Certainly the nations whose brave sons marched along with ours are entitled to recognition, at least in the degree to which their soldiers took up our battle, and whose interest and fidelity was such that they became American citizens while performing the duties of soldiers in time of war.

Some Members have sought to disparage all immigrants because of a supposed transgression of law on the part of those who are admitted. I do not concede that violation of the law is confined to a particular class, to particular immigrants from particular countries. I do not believe that statistics will show that the percentage violation is any greater among people of foreign birth than those of native birth. Even if it were slightly greater among peoples of foreign birth, there is a valid explanation. These aliens arrive here unacquainted with our laws and customs. The majority of them are sincere and eager to acquire this knowledge immediately. They come from lands where customs are entirely legal which bring them into conflict with law here. During their period of acclimation, while they are endeavoring "to adjust themselves" to the new conditions and surroundings, it is possible that some of their number may transgress and violate, particularly, such laws with which they were unacquainted at home. You would probably do likewise if you went to their country to take up residence. But to charge them with being the sole violators of certain laws is unfair. The breaches of law that you may find in the miner's hut or the workman's home are paralleled in the mansion and the club of the prosperous citizen who is not handicapped as is the man of foreign birth.

These considerations prompted me to introduce my bill, H. R. 691, providing that an alien admitted to this country must become an American citizen within a specified period or return to the land from which he came. We do not welcome perpetual boarders whose interests may be elsewhere. Religion and patriotism are born with the child. I am proud to be a citizen of the United States, the greatest Nation on earth; yet, if I were a citizen of San Marino, the smallest nation, I do not doubt that I would have a similar pride and love for her.

This fact very materially enters considerations of the immigration problem. We have been receiving the nationals of all countries, who have a rightful reverence for their land, their flag, their history. They come here seeking the opportunities we have to offer. But they do not have the same inborn love for our country, flag, and institutions that we have; they can not be expected to have. By providing a five-year opportunity to live with us, to learn our language, customs, and government, and to contribute to their personal success and advancement, I believe they owe an obligation either to become a citizen or to return to the country to which they continue to feel allegiance. Therefore, while the provision of my bill providing for deportation in the event of failure to qualify for citizenship may seem severe, it should be accepted as part of the contract of their admittance. The safety of this country would be immeasurably promoted, and, in my opinion, the objectionable features of indiscriminate admittance forever disposed of.

The basis of this country's greatness and prosperity is the home. It must so continue. We are not a country of boarders. There are no seasonal migrations from one country to another as annually happens in the thickly populated countries of Europe. Being a home-creating and home-loving people is the best insurance for our future security. When a man is a mere boarder, if he finds his surroundings for the moment unpleasant, or if danger or discomfiture threatens, his only task is to pack his belongings and move to another boarding house. Let danger threaten a man's home, however, and all of recorded history will prove my assertion that you will have uncounted patriots giving their lives in defense and protection of that home.

Mr. SNYDER. Mr. Chairman, I rise in opposition to the amendment. Mr. Chairman and gentlemen, I am in hearty accord with the restriction of immigration. I think this committee has done a great work in the preparation of this bill, and I agree most heartily with all its administrative features. I believe, however, that the basing of quotas on the census of 1890 is a serious mistake and is discriminatory. I think it was intended to be discriminatory, and therefore I will be forced to be against the bill unless some modification of that section takes place. [Applause.] Yesterday morning I received a copy of a compilation by Mr. JACOBSTEIN, setting forth a total of 207,748, which would be admitted under a computation of quotas based on the average for the last four census periods, and which would not be discriminatory. I want to say I am in hearty accord with every word that was uttered by the distinguished chairman of the Committee on Appropriations, the gentleman from Illinois [Mr. MADDEN], on this matter. Now, there can be no question raised as to the discrimination in these figures, and the people of this country will be satisfied with the quotas that are carried——

Mr. WATKINS. Will the gentleman yield?

Mr. SNYDER. For a question.

Mr. WATKINS. Look at Rumania—reduced 66 per cent, and tell whether that is discriminatory?

Mr. SNYDER. Look at Italy under the 1890——

Mr. WATKINS. Look at Italy under this proposition.

Mr. SNYDER. There can be nothing fairer than taking the four census periods as given in this statement here, namely, 1890, 1900, 1910, and 1920. It certainly would seem reasonable and feasible to everybody in this country. Now, the charge has been made here that certain interests are for letting down the bars. Gentlemen, I know of no such propaganda as that on the part of anybody.

A MEMBER. There is none.

Mr. SNYDER. There is no such thing. I hold in my hand here a report of the citizens' bureau of the city of Utica, which comprises representatives of every civic body and every manufacturing organization, every religious organization, all embodied in this statement here. I am not going to attempt to read any part of it, but they unanimously favor a restriction, but they are opposed to the 1890 proposition along the line I have spoken of here. I want this body to give me their confidence to this extent, that I am not expressing my statement as based on this document, but I am expressing my own judgment, and I would have so stated had I not received this communication. They are in favor of immigration that will permit 150,000 to 175,000 people. Now, this compilation and combination gives 207,000.

Mr. MERRITT. Will the gentleman yield?

Mr. SNYDER. I can not yield; I have only five minutes. No proposition can be fairer when you take the average of 40 years into consideration, and therefore I sincerely hope in the interest of harmony in this House that we will agree upon these figures.

THE CITIZENS' BUREAU,
Utica, N. Y., March 27, 1924.

Hon. HOMER P. SNYDER,
House of Representatives, Washington, D. C.

HONORABLE AND DEAR SIR: I am attaching herewith a report of the legislation committee appointed to study H. R. 6540. This committee has been holding weekly sessions since the first part of January, and its report was unanimously accepted by the council Monday evening, March 24. It was voted by the council that a copy should be sent to you as the expression of opinion of the members

of the Americanization Council of Utica, comprising as it does a membership of some 50 individuals and about 50 representatives elected from local fraternal, social, and civic organizations.

The committee has heard expressions of opinion from almost every source in the city and were convinced that the American people of our city desire three outstanding changes in the present law—first, a further restriction in immigration; second, actual selection and the giving of immigration tests abroad; third, keeping the way open for the wives and children of permanently admitted aliens as soon as they can prove their ability to support their family in America, that we may continue to lay the home as the basis of our national life.

We are expressing the hope that this report may assist in the attempted solution of this our most outstanding national problem.

Very truly yours,

A. J. DERBYSHIRE.

REPORT OF THE LEGISLATION COMMITTEE OF THE AMERICANIZATION COUNCIL OF UTICA, N. Y.

After careful study of House Resolution 6540, known as the Johnson bill, to limit the immigration of aliens into the United States and provide a system of selection in connection therewith, your committee finds itself agreed to respectfully submit the following:

House bill 6540 provides for two types of immigrants—1, quota immigrants; 2, nonquota immigrants.

1. QUOTA IMMIGRANTS

The Johnson bill provides that the term "quota" when used in reference to any nationality shall mean 200 and, in addition thereto, 2 per cent of the number of foreign-born individuals of such nationality resident in the United States as determined by the United States census of 1890.

We believe in a definite restriction of immigration over that which obtained in 1923–24. It would seem that the most essential move in America would be to reduce the number of people coming into our country, that we may have a chance to catch up in the great problem of the education of those who are now resident in America. There are millions now in our country who do not yet know our language, our customs, our history, or our ideals, and whose knowledge of the great experiment which we are working out in our democratic form of government is practically nil. The result of a recent survey in our own city showed that out of 2,614 alien workers taken at random in our industrial plants, 77 per cent were illiterate in English, 75 per cent have never been to school, and 78 per cent have not yet declared their intention to become American citizens. This would seem to indicate that we have a tremendous task on our hands.

While your committee is unanimously agreed for restriction of immigration, we are not at all ready to say that 2 per cent of the 1890 census is a scientific or a just basis for the determination of the quota. To go back to the 1890 census would give an increase to certain countries whose superiority or assimilability over central and southern Europe is open to very keen criticism and to very much further study, and would decrease the quotas of countries whose aliens have furnished splendid records of assimilation whenever their communities have offered any adequate opportunity. We would prefer some per cent of the 1910 census which would bring the total immigration to somewhere between 150,000 and 175,000.

Furthermore, in discussing this matter of quota immigrants, we would respectfully point out that restriction of immigration under the present law has brought about a tremendous influx of aliens illegally smuggled into our country. A further increase of restriction will probably bring a greater influx unless certain very definite measures are taken to prevent it. We are of the opinion that any registration system such as was proposed in a naturalization bill introduced in last year's Congress, wherein resident aliens under 18 years of age were to be compelled to register each year and pay a head tax of $5 at the time of such registration, will not prevent such illegal entry and residence in the country. It is therefore our hope that whatever immigration law is passed shall adequately provide for the observance and the full enforcement of said immigration law.

2. NONQUOTA IMMIGRANTS

The Johnson bill provides that in addition to quota immigrants the wife and unmarried minor children under 18 years of age and the mother and father over 55 years of a naturalized citizen may be brought to America irrespective of quota, and that application for the bringing of such relatives shall be made in affidavit form to the Bureau of Immigration at Washington rather than to the consular service abroad. Under nonquota immigrants will also be classified aliens who have been visiting their home country for a period not exceeding one year. This means that such aliens may return to their domicile in the United States irrespective of quotas. Under nonquota immigrants is also classed an immigrant who is a skilled laborer, his wife, and unmarried child under 18 years of age, who are being permitted to come to America upon the written application of some person interested, such application to have a full hearing and investigation and O. K. by the Secretary of Labor, "if labor of a like kind employed can not be found in this country." According to the report of the committee, this is simply a rewording of the immigration act of 1917, except that the word "may" is changed to "shall," making it mandatory upon the Secretary of Labor to determine the necessity of importing individual skilled laborers in any particular instance. This section of the bill does not apply, of course, to the skilled laborers who come within the quota. Your committee finds itself in hearty agreement with these provisions of the bill.

3. THE OMISSION OF QUOTA RELATIVES

The Johnson bill originally provided for a third group of immigrants called "quota relatives." This group was composed of the wives and unmarried minor children of aliens resident in the United States for more than two years who had been legally admitted and who had a first paper more than one year old. Quota relatives were to be admitted to the number of the quota for that nationality. That is, if the quota for Italy was 4,000, then 4,000 wives and unmarried minor children of domiciled aliens would be admitted. In reporting the bill to the House of Representatives in Congress this section was omitted, and in response to correspondence with the chairman of the Immigration Committee as to why this section was omitted, we were informed that "the Immigration Committee has evidence of so much fraud in connection with the arrival of relatives and the securing of affidavits that the committee struck the exempting clauses for relatives of declarants from the bill." Your committee has been informed, however, that a new plan was being considered as an amendment to the Johnson bill which will give lump quotas to the various countries to be used entirely for bona fide wives and children under 18 years of age to aliens domiciled in the United States. It is proposed to make these quotas in inverse ratio to the quota immigrants; that is, the country with the smaller immigration quota will have the larger quota for relatives. Your committee finds itself more in agreement with the original section of the bill and wants to put itself on record that one of the essential things in this whole matter of immigration is that the way shall be kept easily open for the wives and children of men who have been legally admitted to the country, and who after living here two years can prove their ability to support their family and give proof that they expect to become a part of this Nation.

From a study of all the facts it would seem that the Johnson bill, provided it reaffirms its original position in admitting the wives and children of resident aliens, will do away with many of the difficulties encountered in the present law regarding relatives.

As a matter of fact, it would appear to your committee that if these three types of immigrants—namely, quota, nonquota, and quota relatives—are enacted into law, the total immigration per year for many countries will probably be increased. However, this increase will be made up of the immediate relatives of American citizens and resident aliens. Such an increase as this would tend to the building of high morale among alien residents and the establishment of permanent homes, which is the object of all true Americanization work.

4. SELECTION ABROAD

Your committee notes with great interest the paragraphs in the bill dealing with the selection of quota immigrants abroad. We feel quite sure that we express the opinion of the citizens of Utica when we say that our American people are very desirous of having selection and examination of immigrants accomplished abroad. We realize that there has been a great deal of agitation against such selection and examination because it has been said that we have no right to establish such immigration investigation and examination on the soil of other countries. Your committee, however, is of the opinion that there is a very marked difference in the viséing of the passports of tourists and the viséing of the passports of immigrants who ostensibly are coming to America to establish here their permanent home. It is our understanding that the State Department has already decided that there is a distinction in such viséing. This being so, our Consular Service is in a position to investigate and refuse visés to immigrants when the character of that immigrant would seem to indicate that he would be a liability to America.

Your committee, however, does not find in the wording of the bill that this selection and examination, or, we might say, the giving of the immigration tests, are really explicit in the bill. We believe that this is the heart of our whole problem; that we could almost do away with quotas if proper selection and examination were done abroad. Your committee therefore desires to call attention to this lack of clear statement in the bill as to how far the Consular Service may go in selecting and rejecting those who are to proceed to America. We do not believe that it is enough that application blanks be filled out and that our Consular Service put its O. K. upon papers submitted, but that there shall be personal contact, adequate investigation, the passing of the immigration tests for mental, moral, physical, and literacy status, and the final O. K. of American officials before the immigration certificate is issued. The necessity for placing the selection or rejection of immigrants clearly and openly in the hands of the Consular Service is all the more emphasized when it is remembered that many

countries have very definite emigration policies and are to-day issuing passports only to those whom they desire to have proceed to America, thus making it practically incumbent upon consular officials to visé these passports. Your committee, therefore, while in hearty agreement with the Johnson bill in its purpose for further examination and selection, nevertheless does not believe that the bill has gone far enough to actually accomplish the end that is sought.

5. EXCESS-QUOTA PROVISIONS

The Johnson bill also provides a method whereby immigration certificates shall be issued to the immigrant at the time his passport is viséed. These immigration certificates, according to the method outlined in the bill, will do away with one of the worst evils of our present immigration law, which is the arrival of hundreds of immigrants at Ellis Island on the first day of the month, only to be told that they are in excess of quota and must be returned to their country. With this provision of the bill your committee is in the most hearty agreement.

6. CERTIFICATES OF ARRIVAL

The Johnson bill originally provided also for the issuance at ports of disembarkation of a certificate of arrival. We notice with interest that section 18 of the original bill has been omitted. To-day when an alien petitions for citizenship he must present a first paper and also a certificate of arrival, if he came to America after June 29, 1906. This certificate is an exceedingly difficult paper to obtain, since there are so many chances for error to creep into the records. During this last year it has taken between three and five months before the certificate has been issued. Your committee believes that, unless there is some other way in which this matter is to be cared for, the omission of this section dealing with the issuance of certificates of arrival is to be regretted, and would urge its replacement in House bill 6540.

In conclusion your committee would summarize the result of its studies as follows:

First. (a) In complete agreement with restriction of immigration; (b) not in agreement with the 2 per cent of the 1890 census as a basis for determining quotas; prefer rather some per cent of the 1910 census which would bring the total immigration to somewhere between 150,000 and 175,000; (c) with a recommendation that illegal entrance to the country shall be thoroughly prosecuted and that adequate provision be made that our immigration law be obeyed.

Second. In complete agreement with the nonquota provisions.

Third. An insistent recommendation that aliens permanently and legally admitted to the United States shall, after two years' residence and proof of their ability to support their family and a first paper 1 year old, be able to bring their wife and minor children to a number consistent with the resident population of such domiciled aliens.

Fourth. Complete agreement with the purpose of the bill in the matter of the selection and examination of aliens abroad, but a recommendation for its further clarity that definite and precise authority shall be given to the Consular Service to accept or reject applicants.

Fifth. A recommendation, unless the matter is to be cared for in some other way, for the issuance of certificates of arrival at ports of disembarkation as provided for in section 18 of the original draft of the bill.

Mr. JOHNSON of Washington. Mr. Chairman and gentlemen, this proposal of a quota based on an average of the last four censuses, 1890 being as far back as you can go and get the statistics desired, is a rather alluring proposition. If it could be effectively built up, no harm might result. It brings in 200,000 on the quota basis or about that. I want to say now that none of the tables here proposed are exact figures, but they are estimates. This bill we are proposing in this House has its quota limitation and a nonquota besides. If those charging discrimination only remember, with regard to the various ameliorating provisions, that the nonquota provision will apply the greatest relief to those who have come the latest to the United States. That is where the possible wives and possible fathers and mothers come from—from the countries which have given us the newest immigration.

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

Mr. JOHNSON of Washington. Not now.

Mr. SNYDER. This does not affect the nonquota part of your proposition.

Mr. JOHNSON of Washington. It does not. This proposal enlarges the number that might come from the countries that would be the greatest beneficiaries under the nonquota. I deem it necessary to defeat this, because the very next paragraph of the bill deals with the method of computing nationalities, to be taken on the basis of the census of 1890 for all the countries, including dependencies, islands, protectorates, mandates, and so on, which makes heavy work anyway; and if you undertake to have that done by four censuses, the Census Bureau will be, long after this bill goes into effect, trying to arrive at the averages. [Applause.]

The CHAIRMAN. The time of the gentleman from Washington has expired. The question is on agreeing to the substitute, which the Clerk will report.

Mr. MADDEN. Mr. Chairman, may I ask unanimous consent to change the language of the amendment to make it clearer?

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to change the language of the amendment. Is there objection?

There was no objection.

The CHAIRMAN. The Clerk will report the amendment as modified.

The Clerk read as follows:

Amendment offered by Mr. MADDEN: Page 14, line 16, after the word "the," strike out the remainder of the paragraph and insert in lieu thereof the following: "Average of the number of foreign-born individuals of such nationality resident in the United States in 1890, 1900, 1910, and 1920, as determined by the United States census for 1890, 1900, 1910, and 1920, respectively."

Mr. TAYLOR of West Virginia. I wish to offer an amendment for the substitute offered by my colleague.

The CHAIRMAN. Without objection, the substitute offered by the gentleman from West Virginia will be considered as offered as a substitute for the amendment of his colleague. The Clerk will report the amendment of the gentleman from West Virginia [Mr. ROSENBLOOM].

The Clerk read as follows:

Substitute offered by Mr. ROSENBLOOM to the amendment offered by Mr. MADDEN: Page 14, line 17, after the word "individuals," insert "who shall have become American citizens," and in line 19, after the figures "(19)," strike out "1890," and insert "1920."

Mr. JOHNSON of Washington. To what degree would that carry the amendment of the gentleman from West Virginia [Mr. TAYLOR]?

The CHAIRMAN. The Chair thinks that this amendment is offered as an amendment to the substitute. The Chair does not know whether it is a substitute or not. If it is an amendment to the substitute, it is in order.

Mr. JOHNSON of Washington. If it is an amendment to the substitute offered by the gentleman from West Virginia [Mr. ROSENBLOOM], which is a substitute for the amendment offered by Mr. MADDEN, it would be in the third degree, and would not be in order.

The CHAIRMAN. The Chair will state that the amendment offered by the gentleman from West Virginia [Mr. TAYLOR] is not an amendment to the substitute offered by his colleague [Mr. ROSENBLOOM].

Mr. TAYLOR of West Virginia. If I struck out my reference to the present bill, would it then come under the rule?

The CHAIRMAN. The Chair would not undertake to say. But this amendment is not in order.

Mr. KINCHELOE. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Kentucky moves to strike out the last word.

Mr. JOHNSON of Washington. Mr. Chairman, will the gentleman yield just there before he begins?

Mr. KINCHELOE. Not at present. Mr. Chairman, I ask unanimous consent to proceed for 10 minutes.

The CHAIRMAN. The gentleman from Kentucky asks unanimous consent to proceed for 10 minutes. Is there objection?

Mr. JOHNSON of Washington. I shall have to object.

Mr. KINCHELOE. I will say to the gentleman that we will get along faster if he does not object. I will yield to the gentleman.

Mr. JOHNSON of Washington. Can we now see if we can reach an agreement as to time?

Mr. KINCHELOE. Mr. Chairman, this is not to be taken out of my time.

Mr. JOHNSON of Washington. An agreement that all debate on this section and all amendments thereto close in 20 minutes?

Mr. SABATH. Reserving the right to object, Mr. Chairman——

Mr. KINCHELOE. This does not come out of my time.

Mr. SABATH. This is an important section in the bill.

Mr. JOHNSON of Washington. Then I move, Mr. Chairman, that the debate on this section and all amendments thereto close in 50 minutes.

Mr. SABATH. Will the gentleman withhold his motion? I desire to ask the gentleman a question. I have not offered my amendment. The gentleman is familiar with it.

Mr. JOHNSON of Washington. Make it one hour.

Mr. SABATH. Would not the gentleman agree that we should have a separate vote on my amendment?

Mr. JOHNSON of Washington. You will have opportunity in that time.

The CHAIRMAN. The gentleman from Washington moves that all debate on this section and all amendments thereto close in one hour. The question is on agreeing to that motion.

The motion was agreed to.

Mr. CHINDBLOM. Mr. Chairman, I think there is doubt about the effect of this proceeding on the time of the gentleman from Kentucky [Mr. KINCHELOE]. I ask unanimous consent that his time begin now.

The CHAIRMAN. Without objection, the gentleman from Kentucky will proceed for five minutes.

Mr. KINCHELOE. Mr. Chairman, I ask unanimous consent that I may proceed for 10 minutes.

The CHAIRMAN. The Chair does not think that he ought again put the question for unanimous consent to proceed for 10 minutes.

Mr. KINCHELOE. I understand the gentleman from Washington did not object to it. I ask unanimous consent. I have not consumed any of the time of this House on this bill. I want that understood.

Mr. TREADWAY. This will not be taken out of the hour.

The CHAIRMAN. The Chair will state the parliamentary situation. The gentleman from Kentucky [Mr. KINCHELOE] asked unanimous consent to proceed for 10 minutes. The gentleman from Washington objected. The gentleman from Kentucky then, before he had debated, asked to renew his request. The Chair does not think that he ought again to put the request for unanimous consent to proceed for 10 minutes. If the gentleman from Washington wants to withdraw his objection, the Chair will be glad to again put the question.

Mr. JOHNSON of Washington. The gentleman yielded to me to move to close the debate. I do not object.

The CHAIRMAN. The Chair hears no objection. The gentleman from Kentucky is recognized for 10 minutes.

Mr. KINCHELOE. Mr. Chairman and gentlemen of the committee, there is no Member of this Congress who has a greater respect and esteem than I have for the naturalized citizen of this country—I do not care from what country he comes—if he is a true and loyal American. I am equally frank to say that there is no Member on this floor who has a greater contempt for any citizen of this country who is not patriotic and loyal, whether he is native born or foreign born.

I have heard so much talk in this debate about this country discriminating against countries in Europe that you would think from that argument it was the inalienable right for the foreigner of any other country to come here. This great country in its generosity throws out a strong arm and admits immigrants to this country as a matter of courtesy and as a matter of sufferance, but not as a matter of inalienable right. [Applause.] The Congress of the United States has the right to say not only who shall come to this country but the country from which they shall come.

So far as I am concerned I want to see American institutions perpetuated. There never was a more beautiful story ever written in prose, poetry, or song than the narration of the deeds of valor and heroism of our forefathers in settling this great country. They went through pathless woods; they spanned yawning chasms; encountered the savage Indian; they felled the forests; they builded railroads; they constructed great cities, and carved for you and for me a mighty and gigantic commonwealth.

I hold that the responsibility is on you and on me as Members of Congress of this great Nation to perpetuate those great institutions which have come down to us for the generations that are yet unborn. [Applause.]

I am frank to say that if I had my way about it I would vote to-day to absolutely prohibit immigration to this country for the next three years. [Applause.] I think we have enough disloyal people here now to assimilate.

Why are the laboring men of this country for a restricted and prohibited immigration? Because they know that every time a foreigner enters our port one of three things is going to happen; you have either got to create a new job for the foreigner, or you have got to remove some red-blooded American from his job, or that foreigner is going to be a charge on the public. I say to you that I believe, with few exceptions, there are only two classes of immigrants who want to come to this country now, namely, the cowardly slacker who does not want to help rehabilitate the country in which he lives and which was devastated by the war, and the other one is the man who wants to come here to accumulate worldly goods and then go back to the country from which he came. I submit to you we do not need either one of them.

I am one who believes that no man has a right to live under the protection of the billowy folds of that flag unless he is not only 100 per cent American but that he owes no divided allegiance to any other country on the ruling earth. [Applause.]

When you go into the great congested cities of New York, Milwaukee, Chicago, you stand on the streets, and 90 per cent of the people who come by are foreigners.

They talk about the Anglo-Saxon race, and the gentleman from New York [Mr. FAIRCHILD] referred to that race rather facetiously a minute ago. I am no prophet nor the son of a prophet, but if the Bolshevism of this country continues to increase, the next generation is going to say that this Republic was saved during the Civil War by the North, and if it is saved from Bolshevism during the generation, which it will be, it will be saved by the Anglo-Saxons of the South joining with the patriots of the North in saving the Union. [Applause.]

I am for this bill because it restricts immigration to 2 per cent instead of 3 per cent in the present law, and it is a selective immigration bill because it puts the quota of immigrants to be admitted as of the year 1890 instead of the date now in the present law. Let us pass this bill without dotting an additional "i" or crossing an additional "t," for it is the best bill we can hope to pass now. Let us pass it by an overwhelming majority, so it can be thundered around the world that this Congress proposes to maintain and perpetuate America and her institutions.

Great America! God bless her and protect her! We are proud of her glorious history; we rejoice in her magnificent achievements. May she continue to grow until every acre of her fertile soil has been placed in a high state of cultivation; until every ounce of her mineral resources shall have been utilized for the good of mankind; until her every boy and girl has it within his or her power to secure an education before arriving at maturity; and until every man, woman, and child can take each other by the hand, look him in the face, and conscientiously say, "I had rather be an American citizen than to be a king." [Applause.]

Mr. RATHBONE and Mr. TREADWAY rose.

The CHAIRMAN. The Chair recognizes the gentleman from Massachusetts [Mr. TREADWAY].

Mr. TREADWAY. Mr. Chairman, the paragraph under consideration is the most important one in this whole bill and is really the basis of the bill. I join with other gentlemen who have offered congratulations to the committee for the studious manner in which this bill has been prepared. There are most excellent features in it, but this one keystone of the arch we are now considering seems to me not to reach the quality of the administrative part of the bill.

I made some remarks a few days ago in opposition to it on account of the discriminatory feature it contains, and to my mind no answer has been made to show that no discrimination does exist.

I stand where I stood at the beginning of this debate, for the strictest form of restricted immigration, on the moral side, intellectual side, and physical side. This country is neither a melting pot nor a dumping ground for undesirable ones from other countries.

I wish to heartily indorse every statement made by the gentleman from Illinois [Mr. MADDEN] when he introduced the important amendment now under consideration. I stand with him in this: That rather than have the census of 1890 as the basis for immigration entrance I should prefer not to see any immigration into this country and I am prepared to vote accordingly.

But the amendment which the gentleman from Illinois offers is absolutely fair, both to this country, which is our first consideration, and to those who are applying for admission to our shores. Naturally our first consideration is our home interests, and when we accept the basis of the average of four censuses of this country, dating back to 1890, we are fair both to ourselves and to those applying for admission. I, therefore, think we ought to incorporate it as the basis on which immigration shall be permitted.

We are going too far, it seems to me, in support of the committee in this bill. While we recognize their ability and their studious efforts to prepare this bill, we ought not to forego the judgment of the House membership in considering amendments. The gentlemen on the committee have asked

that no amendments be considered of any kind. It seems to me that is dictatorial in its manner and going too far for the best interests of legislation. We should consider, on the merits themselves, amendments as suggested, and if the amendment offered by the gentleman from Illinois is considered on its merits rather than on the dictation of the committee that it should not be adopted, I am certain it will go into the bill. The census of 1890 is not fair either to ourselves or to those applying for admission. The average of the four last censuses is absolutely fair and therefore the Members of the House should consider it on its merits and vote accordingly.

Mr. McKENZIE. Will the gentleman yield?

Mr. TREADWAY. I yield to the gentleman.

Mr. McKENZIE. As I understand the gentleman from Massachusetts, the gentleman favors the Madden amendment because he believes it removes what he denominates as the discriminatory provisions of the law.

Mr. TREADWAY. The discriminatory provisions of the suggested bill of the committee, not of the law.

Mr. McKENZIE. I want to ask the gentleman from Massachusetts, thinking only of the interests of this great country of ours, is it not a fact that these discriminatory provisions in the proposed bill are the virtues of the bill?

Mr. TREADWAY. I can not agree for a moment with the gentleman's idea; not for one moment. What does he call that virtue? May I ask him that question?

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

Mr. CABLE. Mr. Chairman, at the Nation's Capital in October, 1908, Walker Whiteside and company presented for the first time a drama entitled "The Melting Pot." President and Mrs. Roosevelt were among the many people in the audience. The story dealt with emigration from Russia to the United States. Israel Zangwill, the author, is not an American citizen. To-day he is the president of an emigration society in Europe. His was an appeal to this country to admit without number the people of the Old World, claiming that America as a "melting pot" would fuse the various foreign elements into one typical American type and race.

The play had its psychological effect, for the following six years saw an average of over a million aliens a year enter the United States. It was not immigration in the old sense of the word. It was a veritable migration of peoples on a scale never before known during any period of our country's greatest development.

Zangwill's theory was expressed in his words, "You have come to the heart of the crucible where the roaring fires of God are fusing His race with all other nations." The human "melting pot" is a theory rather than a fact. It has failed to fuse all alien elements. How could it operate with any degree of efficiency when Europe has made this country the dumping ground for its criminals, paupers, and other undesirable residents? How could a "melting pot" fuse all the various nationals when aliens were entering this country at the rate of 100,000 a month?

I am not unmindful of the part the immigrant has played in the history of our country.

All hail to the 400,000 aliens who served shoulder to shoulder with America's native sons in the recent World War, fighting valiantly and well under the Stars and Stripes.

This country to-day has many examples of great success acquired by her naturalized sons and daughers whose lives exemplify patriotism and whose achievements are the result of their own hard work and studious efforts. Many have reached a place of leadership and importance in their communities, in their States, and in the Nation.

With these foreign born the process of assimilation and Americanization was simple, as there was but one ideal and goal, the establishment and maintenance of our great Republic.

Conditions in the United States have always demanded not only restriction but selection abroad of our future residents. The need to-day is just as great as it was 80 years ago when the records of that time tell us "the paupers, the cripples, the lame, the blind, the diseased, and the idiots are being dumped on our shores."

We must remember that America has prospered, not because of this class of immigrant but in spite of it. Too long has this Nation been an asylum for the undesirables of the Old World. For 100 years following the signing of the Declaration of Independence there were no restrictive immigration laws on our statute books.

Then Congress awoke. It was discovered that criminals convicted in Europe were given the option of serving sentence or coming to the United States, and nine times out of ten they choose the latter. In 1882 the first restrictive immigration law was passed, which provided that convicts, lunatics, and idiots, and persons likely to become public charges could not be admitted.

But the tide of immigration increased, flooding our country with unassimilated aliens. Our basic law of 1917 prohibiting the admission of the physical, the mental, and the moral unfit had little or no effect upon the numbers and the kind of immigrants who came. A million and more a year was the average for the 10 years prior to the World War.

In the 12 months just previous to the war there crowded through our ports of entry enough aliens from Italy to populate a city the present size of Denver, Colo.; enough Russians to fill two cities the size of Youngstown, Ohio; Chinese, Japanese, and Turks from Asia to populate a city the size of Danville, Ill.; Austrians to fill 25 cities the size of Mansfield, Ohio; Hungarians to fill five cities the size of Marion, Ohio; Germans to populate a city the size of Sandusky and Piqua, Ohio, together; Greeks to populate a city the size of Newport, R. I.; Swedes to populate a city the size of Bellaire, Ohio; Britishers to fill a city the size of Terre Haute, Ind.; and from all other countries enough to populate the capital of Ohio, Columbus. Even last year, with the 3 per cent quota law, enough foreign born came to the United States to fill a city the size of both Cincinnati and Toledo, Ohio.

Immigrants came too fast for any kind of an examination to detect and debar the undesirables. The United States continued to be the dumping ground for many of the unfit of Europe. Then the war acted as a barrier. But the conflict in Europe only served as a temporary dam to stem the tide of the great flood, for during the first year following the armistice over 800,000 immigrants poured from the holds of steamships into our country.

Again Congress awoke. It sought to check the threatening flood. The 3 per cent quota law was passed and then extended. but it expires on June 30, this year. We will be left without any protection from the hordes of immigrants waiting to come to our country unless this bill is passed.

To-day our country is dotted with unassimilated groups of aliens, who defy Americanization and seek to force upon our communities their foreign ideals.

We have in the United States 1,052 foreign-language publications of all nationalities, printed in 30 different languages, and with a circulation of 6,000,000. Forty-three different languages are spoken in 26,239 of our religious organizations. While 2 per cent of the native-born whites in this country can not read nor write, yet 13 per cent of the foreign-born whites are illiterate. Nearly a million and three-quarters foreign born here can not speak the American language.

Our total population is 13 per cent foreign born, yet in our institutions housing social inadequates 20.63 per cent of the inmates are foreign born. Three dollars of every hundred raised by taxes in the States goes to their maintenance and support.

The last available United States Government census report shows that out of the total number of prisoners per hundred thousand of our population 371.3 is the average of white American born, while double this figure, or 746.6, is the average of all foreign-born population. This same census shows that of the total number in prisons for drunkenness and disorderly conduct 202.6 out of the hundred thousand population is the average of white American born, while the average of foreign born is more than double, with 466.5.

Fourteen millions of our 95,000,000 white population were born in 45 different foreign countries and 23,000,000 more are of foreign or half foreign parentage. Less than half of the foreign born living in America to-day are naturalized. Seventy-five per cent live in the cities of 2,500 or more. Large alien elements in various communities throughout this country are still holding to their foreign ideas, notions, and institutions, often faithfully representing their land of birth on questions involving problems such as the one before us to-day.

The gentleman from New York [Mr. O'CONNOR] in the debate on the bill asked the question as to why it is that the protests against the bill do not come from the States where the foreign-born population is heavy.

My answer to the gentleman is that the foreign bloc has raised its cry and protest against this selective and restrictive immigration bill. The political power and influence of this un-American group is well known. Seven millions of the 14,000,000 foreign born are of the voting age. They are not equally distributed throughout the United States, but are massed in certain localities. 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. In the New England States, 38.2 per cent; in Massachusetts, 41.9 per cent; Boston, 32.4 per cent; New York City, 53.4 per cent.

In 1920 there were 68 cities in the United States having a population of over 100,000. Practically half of these were 20 per cent or more foreign born, such as Chicago, 29.9 per cent; Boston, 32.4 per cent; New York, 36.1 per cent; and New Bedford, 42.1 per cent.

The political power of the foreign stock is shown by its potential voting strength in this country. It caused the passage by the board of aldermen in the city of New York of a resolution which reads in part as follows:

Resolved by the board of aldermen of the city of New York, That the Congress be, and hereby is, respectfully memorialized to defeat such measure and in its stead to enact such provision of law as will liberalize the policy of the Government in respect to immigrants.

It has caused resolutions similar in nature to be passed by the city authorities of Chicago, Ill.; by the cities of Malden, Lawrence, Revere, Chelsea, Fitchburg, Beverly, and Lynn, Mass.; by the board of supervisors of Erie County (Buffalo), N. Y.

Its influence dictated the passage of a like resolution by the State Legislature of New Jersey. The foreign bloc has threatened both Republican and Democratic Members of Congress alike with vengeance at the polls in November if the immigration bill is carried into effect.

The defeat of this bill would mean the pouring into America from Europe of aliens numbered into the millions.

Not only as to immigration but as to other questions of vital interest do the foreign born attempt to inject their alien ideas and impose upon this country their foreign opinions. I refer to the prohibition laws of our States and Nation and the attempts being made to repeal or modify them.

The State prohibition act of New York has been repealed. The 58 beer bills introduced in Congress last month, with but few exceptions were sponsored by Representatives who reside and represent districts where the foreign-born voter holds the balance of power. New York City, with a population of only 20 per cent native born of native-born parents, heads the list with 17 of these bills.

Only two States, Rhode Island, with 27.4 per cent foreign born, and Connecticut, with 29 per cent foreign born, failed to ratify the eighteenth amendment to the Constitution.

The foreign born who wish to come to enjoy the privileges of this free country, to share in its benefits and opportunities, and to live under the protection of its laws, should respect rather than live in defiance of those laws. I refer to the large percentage of foreign-born violaters of the eighteenth amendment and our prohibition laws.

Statement showing the percentage of aliens or foreign born arrested under the national prohibition act by States, in so far as the information is available, from the effective date of the national prohibition act to April, 1923

ALIENS OR FOREIGN BORN	Per cent
Arizona	85
Connecticut	90
California	85
Colorado	52
Maryland	75
Georgia	5
Idaho	10
Iowa	10
Illinois	90
Louisiana	10
Missouri	88
Nevada	50
New Mexico	4
New Jersey	65
New York	50
Utah	80
Vermont	45
Washington	28
Wisconsin	90
Wyoming	50

We have no room here for the alien who violates our laws. America should clean house of this element. Deportation is the proper procedure.

In further answer to the gentleman from New York [Mr. O'CONNOR] on his question as to why the people from States with a small percentage of foreign born are so strongly in favor of this restrictive bill, I would say that we, of such States, have seen the alien problems of the great cities and we wish no such difficulties. We have seen the alien protected by our laws abusing the privileges extended to him by this Nation. We have seen the alien residing in these large centers of population, unamalgamated with our people, maintaining their isolated existences, retaining their own languages and foreign activities even as a nation within a nation.

The congestion of foreign population in large cities hinders all attempts at Americanization. It is a constant menace to the safety and health of this country.

In the State of New York 27.2 per cent of the population is foreign born, yet 46 per cent in State institutions for the insane are of foreign birth, and 25 per cent are aliens. The taxpayers of the State of New York pay yearly into the State treasury $4,500,000 for the care of the foreign-born insane and an additional $400,000 for the alien criminal. These sums do not include the cost for the maintenance of feeble-minded and paupers. Of the 137 patients admitted to Matteawan in 1922, which is the last report I was able to obtain, 59 were foreign born and only 18 had been naturalized. At the end of that year 431 of the 932 patients were foreign born and only 108 of these had taken any steps to become American citizens.

In Ohio less than 12 per cent of the entire population is of foreign birth, yet a canvass of the State institutions shows that 2,689 foreign born are being cared for by the State at a yearly maintenance expense of more than $750,000. This amount does not include the cost of additional buildings and equipment nor cover the maintenance of foreign born in city and county institutions.

In the Cleveland State Hospital, 50 per cent; Lima State Hospital for the Criminal Insane, 31.4 per cent; Massillon State Hospital, 35 per cent; and Ohio Penitentiary, 19.5 per cent of the inmates are foreign born.

There are 165 feeble-minded foreign born in the State institutions for the feeble-minded at Columbus, costing $34,000 a year for their care. The admission of feeble-minded aliens into this country is unlawful. If 165 have finally reached this institution in Ohio, think of the larger number in the entire United States! This condition alone justifies further restriction by a selective system as provided in the Johnson bill. In fact, if this measure had been in force and properly administered, the taxpayers of Ohio would have been saved this $34,000 a year on the maintenance of feeble-minded alone.

The bill is selective in principle. That is, the intended immigrant must present himself, his passport, and a sworn statement as to his personal and family history and his physical condition to the American consul. This officer has authority to pass upon the qualification of the intending immigrant. If after investigation the immigrant appears admissable, a visé certificate is issued to him. A heavy penalty is imposed upon steamship companies for bringing to our shores an immigrant who is not admissible. Only 10 per cent of the certificates may be issued in any one month, and the certificates issued must be used within two months.

This insures an even flow through Ellis Island and other ports of entry for the entire year. No longer will he who came on a slower ship be compelled to turn back because more fortunate countrymen selected faster vessels and filled the quota. No longer will there be a jam of humanity at Ellis Island the first part of each month. The counting is done before the immigrants start, but the final examination will be a thorough and careful one on American soil by American Public Health doctors and immigration inspectors surrounded by American influences.

Let me read to you a letter I received from the Federal grand jury at Toledo, Ohio:

We, the undersigned members of the Federal grand jury of the western division of the northern district of Ohio, do respectfully petition and implore you to urge upon Congress that it restrict and stabilize our immigration law. That to make the matter more effective we desire for your records the following resolutions:

"Whereas as members of the Federal grand jury required by law to hear and investigate into the alleged crimes in the northern district of Ohio; and

"Whereas in doing so we are compelled to leave peaceful pursuits and our homes; and

"Whereas we find that among the Federal charges a large majority of such charges are brought against the foreign element of our population: Therefore be it

"*Resolved*, That the Congress of the United States act properly and promptly in bringing relief by the proper regulation to our immigration law. That in our labor and work before the Federal court we are shocked by the number, quality, and character of foreign defendants charged with disobedience to our laws and institutions. They are with us; they are here. You are the guardians of our portals. The conditions compel us to urge you to protect our country and our flag by proper regulations and requirements."

What did our greatest advocate of Americanism, Theodore Roosevelt, think of Zangwill's Melting Pot? Let me read to you part of his last public message:

There can be no divided allegiance here. Any man who says he is an American but something else also isn't an American at all. We have room but for one flag, the American flag, and this excludes the

red flag, which symbolizes all wars against liberty and civilization just as much as it excludes any foreign flag of a nation to which we are hostile.

We have room but for one language here, and that is the English language; for we intend to see that the crucible turns out our people as Americans, of American nationality, and not as dwellers in a polyglot boarding house; and we have room but for one sole loyalty, and that is a loyalty to the American people.

Mr. SABATH. Mr. Chairman, later on I am going to offer an amendment to strike out "1890" and substitute "1910."

The gentleman who has preceded me charged that the foreign governments are unloading their criminals upon our country. I think he must have read the history of Colonial Immigration Laws, by Emberson Edward Proper, A. M.

Mr. CABLE. I will say to the gentleman that I did not.

Mr. SABATH. If he did not and will read that history he will then be informed that the same charges were made 200 years ago and 250 years ago against Britain, namely, that Britain had been unloading its criminals in the United States. Time does not permit me to read from this history, but to acquaint the membership of the House and the country with what was said of the immigration of those earlier days, I will insert a few paragraphs from Professor Proper's history. I do not wish any gentlemen for one moment to think that it is my purpose to reflect upon any peoples of sections of our country but simply to show that the nationals of the then coming immigration were subjected to the same attacks as the present-day or newer immigration. I know our citizenry are the peers of any peoples in the world, still in an endeavor to stop the unjustified charges that foreign governments are now unloading their criminals in our country, I shall include the comments on the nationals of the earlier immigration whose generations have made ours the greatest country in the world:

COLONIAL IMMIGRATION LAWS

(By Emberson Edward Proper, A. M.)

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The great influx of Germans into the Middle States from 1700 to 1750 raised problems which have a familiar sound to those who have followed the arguments on the immigration question of our own times. The immigration of foreigners into Pennsylvania became so great that the danger of its degenerating into a foreign colony was openly proclaimed, and for a few months in the year 1729 the Quaker Province had on her statute book the most comprehensive antiimmigration act ever passed in America, namely, a tax on all foreigners coming into the colony.

One of the most instructive and interesting phases of colonial immigration is that which concerns the transportation of convicts. Some of the earliest tracts in advocating the further exploration and settlement of America by the English set forth the possibility of relieving the mother country of her indigent and criminal classes by transporting them to the New World. (We might inhabit some part of those countries and settle there such needy of our own which now trouble the commonwealth, and through want here at home are enforced to commit outrageous offences whereby daily they are consumed by the gallows.—"A discourse to prove a passage by the northwest to Cataya and the East Indies," by Sir Humphrey Gilbert.) This system of deportation of criminals was quite possibly suggested by the fact that the natural products of the southern colonies rendered the "plantation system" the most effective and created a demand for servant labor. From a very early date, therefore, the importation of convicts was adopted as a wise economic and social scheme. England would thus be relieved of the burden.

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For a period of several years, beginning with 1656, the records of the Masachusetts Bay Colony, and indeed of all of the New England colonies, except Rhode Island, are filled with legislation designed to prevent the coming of the Quakers and the spread of their "accursed tenets." Whippings, imprisonment, banishment, and in a few instances capital punishment, were the order of the day.

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Five years before (1717), in the fourth year of George I, Parliament had passed an act for the transportation of felons into the Colonies. It recited that their laws against robbery, larceny, etc., had not proved effectual, and "realizing" that there was a great want of servants in the Colonies, Parliament generously decided to part with these classes for the benefit of the settlers on this side of the Atlantic.

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Despite the fears and forebodings of the English settlers, no serious evils resulted from the great body of foreigners who settled in Pennsylvania. They proved to be industrious, faithful citizens and loyal subjects.

Mr. CABLE. Will the gentleman yield?

Mr. SABATH. Yes; I yield to the gentleman.

Mr. CABLE. Is it not a fact that the European countries have been dumping undesirables into the United States?

Mr. SABATH. No; it is not a fact now, because we have a law that an undesirable can not be admitted into the United States.

Gentlemen, I agree with some of those who have stated that the bill contains many constructive provisions, and I am for those provisions of the bill. The question of whether we should base our quota on the census of 1890 or 1910 or the combination as suggested by the gentleman from Illinois is the most important question before the House. Some of you gentlemen who are favoring this bill maintain that the bill is not discriminatory. I concede that we have the right to say who shall come and who shall not come. That is your right. That is our right. That is our country's right, but when we say that we will accept and permit immigration I think it is our duty to be fair and to be just and not willfully and deliberately discriminate and brand millions of our good citizens of the Slavic and Latin races as being inferiors.

Now I will give you the figures, and I will leave it to you whether the charge is borne out or not. Under the 1890 census Germany and Great Britain and the Scandinavian countries will have the privilege, or you will give them the privilege of sending out of the total quota of 161,000, 131,000, leaving for the balance of European countries 30,000, divided as follows:

Denmark	2,882
Germany	45,229
Great Britain and Ireland	62,658
Netherlands	1,737
Norway	6,553
Sweden	9,661
Iceland	136
Switzerland	2,181
Total	131,037

Country or region of birth

CENSUS OF 1890

Albania	104
Armenia (Russian)	117
Austria	1,090
Belgium	609
Bulgaria	100
Czechoslovakia	1,973
Danzig, Free City of	323
Esthonia	202
Finland	245
Fiume, Free State of	110
France	3,978
Greece	135
Hungary	588
Italy	4,689
Latvia	217
Lithuania	402
Luxemburg	158
Portugal	574
Rumania	731
Russia	1,892
Spain (including Canary Islands)	224
Yugoslavia	835
San Marino	110
Andorra	100
Liechtenstein	100
Monaco	100
Palestine	101
Syria	112
Turkey	123
Hejaz	105
Persia	125
Egypt	106
Liberia	100
Abyssinia	100
Morocco	100
Union of South Africa	110
Australia	220
New Zealand and Pacific islands	167
Total	30,147

All in all, the entire Europe, outside of Germany, Great Britain, and the Scandinavian countries, will have 30,000, as against these other countries—against 131,000. I will leave it to you whether it is fair.

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

Mr. SABATH. Mr. Chairman, I ask for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. SABATH. Now, I want to say again that I am not for any undesirables to come to this country, but when you say we are ready to receive a certain number we ought to be fair and not say to the world that these 6,000,000 naturalized American citizens are inferior to other people. I know if you would investigate the splendid records of the so-called newer immigration against whom you are going to discriminate I know you

would say that it is manifestly unfair to discriminate against those people.

I always have, as all of you Members who have been here with me the last 17 years know, voted for everything the Federation of Labor desired. But I will say that no man, no organization, no nation is perfect, and the Federation of Labor is sometimes wrong. I am willing to stand and aid the cause of labor, but I do not wish to destroy our industry. You say that you can get the laborers from Mexico and Canada. Now, if you are going to vote to aid the cause of labor by excluding those who might come in under 1910 you ought also exclude the coming of those from Mexico and Canada, but you do not.

Mexico for the last nine months sent in 63,000 legally. How many came in illegally into Texas, Colorado, California, and other States I do not know, but if I take the words of some gentlemen there must have been a very large number. Canada has sent in in the last nine months 163,000; so between Canada and Mexico within the last nine months 227,000 have been permitted to come. If you desire to protect labor why do you not put the quota on Mexico and Canada as well as you do on the European?

Mr. Chairman, I know that many of you gentlemen who are going to vote for this bill will not do so in the interest of labor, but you will do so because the word has been given, not by the "foreign bloc," that exists only in the imagination of some, but the word that has been given by the organization that at present seems to me to be all-powerful and who directly through its organs, The Fiery Cross and The Forum, are insistent on this legislation.

I think it is manifestly unfair and unjust, and I hope when you vote that you will show your independence and will vote to substitute the census of 1910 for the census of 1890. [Applause.] Under 1910 census only 239,000 can come in, only 58,000 more than under the 1890 census, and it will be a fair distribution, and the charge that is being made that you discriminate will not lie.

Mr. RAKER. Mr. Chairman and gentlemen of the committee, here is a statistical statement by Joseph A. Hill on some results of the 1920 population census, of which I will read an extract. It is as follows:

During the first seven decades of our history as a Nation the population increased with remarkable uniformity at a rate deviating but little from 35 per cent, the actual rate for the successive decades being as follows: 35.1, 36.4, 33.1, 33.5, 32.7, 35.9, and 35.6. This brings us down to 1860, just before the Civil War. If the country had kept on growing at the rate of 35 per cent per decade, we should have had in 1920 a population of 190,000,000.

The statistical abstract by the Department of Labor shows that at the beginning of the Civil War there were practically no immigrants from countries that the people are now complaining of—Spain, Portugal, Austria-Hungary, the Russian Empire, Poland, Belgium, Servia, Montenegro; Greece had 15; Rumania, none; Turkey in Europe, 100; and Turkey in Asia, none. Mr. Wolcott has discussed this subject at great length. He comes to the same conclusion as Doctor Hill, of the Bureau of the Census.

The newcomer must find work or starve. He is accustomed to a lower wage and longer hours than the natives, so he cuts wages to get employment. The native loses his job. If he was planning to marry, he puts it off. If he is married, he no longer welcomes children.

In short, for every immigrant who lands in America one less child is born to an American. The coming of immigrants when viewed over any long period of time is thus a substitution of one race for another. The population is governed by the opportunities for support.

That has been the history of every government from the beginning of time to the present, and this is based upon the analysis of the history in the abstract from the beginning of the Government to the present time.

The law of population that has led to a decline in the American birth rate substantially equal to the number of immigrants admitted is in operation to-day just as rigidly as in the past. It will govern the century to come just as it has governed the century that is gone.

The question for the American people to decide is whether the land shall be peopled by the descendants of those now here or shall pass in large part to those who will come from other lands.

Except for brief periods, immigration will not increase the population above the figure it will reach without immigration. The influences that determine population are inexorable; and if we admit those from other lands we shall decrease by a like number those who will be born of those now here.

The question for cold-blooded consideration by the American of to-day is this: Do you want the soil inherited by your son or by the son of one who now toils in a foreign land?

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

Mr. NEWTON of Minnesota. Mr. Chairman, when the fathers adopted the Constitution and formed a more perfect union they did so not only for themselves but for posterity. No greater legacy was ever bequeathed mankind. This, we of this generation, have fallen heir to, in trust, however, to use and hand over intact to the people of coming generations.

The past few years have demonstrated that if this legacy is to be preserved and handed over so that future generations will enjoy the blessings of liberty that we must restrict and select our immigration. For practically 100 years the right to enter here was free and unrestricted.

Mr. Chairman, that developed to be a mistaken policy. The country now realizes it and the country is determined upon a thorough selective and restrictive policy. It is this thought that our Committee on Immigration has had in mind. After months of work have embodied it in this bill. The Great War brought to our attention some of our deficiencies. The present numerical limitation or quota law, passed in 1921, was the result. It was our first real limitation in numbers, and was based on the number of our resident foreign born according to the 1910 census. This census was used because it happened to be available. This law now requires amendment in a number of particulars and there is a real demand for further restriction. it is beyond dispute that restriction will be for some time a fixed policy. This being the case, it would seem that in carrying out that idea that we should be governed only by what we believe to be the best interests of the country. If this means discrimination, then it is our duty so to act regardless of how it discriminates. [Applause.]

With this in mind the committee, composed of representatives from every portion of our country, recommended using the 1890 census as a basis for the new quota. This was after months of deliberation and in the belief that it was in the best interests of the Republic. There was no idea of discriminating against any race or any nationality. I am sure they felt as we all feel, and as we all know, that our country has been enriched and made the better by the contributions of men from practically every land. Furthermore, I deny that this provision discriminates against any race or nationality.

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

Mr. NEWTON of Minnesota. I can not yield. I have not the time.

It is proposed to amend this by substituting an average of the census for the years 1890 to 1920, inclusive. There is another proposal to continue the 1910 census. No one proposes doing so because of any claimed benefit to the country itself. All base their claims for amendment on the grounds of discrimination of one plan against some race or nationality. I take it that we are interested in fixing a quota basis solely in the interests of the country. In doing so we should glance back over our history. The people who formed the Union were, according to the 1790 census, about 90 per cent from England and Scotland with the balance from northern and western Europe, with the exception of about 1 per cent. This is the way we started out as a people. In the 30-year period, from 1790 to 1820, we increased our population from a little over 3,000,000 to nearly 8,000,000. During this period only 250,000 immigrants came to our shores. Almost all were from northern and western Europe. By 1840 the white population had increased to a little over 14,000,000. Notwithstanding this increase, our immigration likewise from northern and western Europe amounted to but 641,000. In other words, about the same number of immigrants came during the first 50 years of our history as came in annually during the 10-year average preceding the outbreak of the Great War.

What does this signify? Our early pioneer work, which Roosevelt so well described as "The winning of the West," consisting of the crossing of the mountains, the settling of the Great Lakes region and the Ohio and Mississippi Valleys, was largely by the then native stock reenforced by a sprinkling of immigrants from northern and western Europe.

Then came the period of our intensive internal development, continuing from 1840 until 1890. Immigration increased, but the sources continued to be from northern and western Europe. By 1890 immigration for the preceding or first 100 years reached a little over 15,000,000. All but 6 per cent of this number came during the last half of this period. The percentage from northern and western Europe during the entire period was over 80 per cent.

During the 30-year period from 1890 to 1920 nearly 18,000,000 immigrants were admitted, or more than the entire number for the preceding 100 years. It was in this period that the sources changed to southern and eastern Europe.

Mr. Chairman, the amendment substitutes an average based upon the census years 1890 to 1920. Why use only this 30-year period? Why did they not substitute an average based upon the preceding 100 years as well? [Applause.] This is what the committee has had in mind, and after months of study they found that the 1890 census most nearly approximates it. It is more nearly representative of the immigration for the entire 130-year period than that of any other census year.

Now, there is nothing sacred about this basis; if there is anyone who will propose some other plan that will accomplish a like or better result, I shall gladly support it. But it has not yet been proposed.

If we are to decide this question on the question of discrimination against any nationality, let me suggest that the nationalities furnishing over 80 per cent of our immigration during the first 100 years of our history would have just grounds of complaint against either the 1910 census basis or that consisting of an average of the census years 1890 to 1920, inclusive.

With the country set upon a restriction policy and a quota proposed here by the committee which is fairly representative of our immigration throughout our history, why this opposition? Gentlemen, this opposition comes from certain racial and nationality groups and minorities and nothing else.

Mr. SABATH. Oh, the gentleman is mistaken.

Mr. NEWTON of Minnesota. It does come from those groups. I can not yield further.

Some of this opposition is such as to lead one to believe that it is based primarily in the interest of the race or nationality regardless of its effect upon the country. For example, it is an open secret that the statement has been made that if this bill becomes a law with this provision in it that the electoral votes of one of the great States of this Union because of that will go against the party now in power and hence responsible for this legislation.

I do not know whether this statement is true, I hope it is not and that the fears of many are ill founded. But if it is true and there is any attempt by any such group or groups to do so because of the passage of any such measure, it constitutes the best reason I know of for the passage of this provision. [Applause.] If the casting of 42 votes in the Electoral College is to be determined by the balance of power possessed by any racial or nationality group then the country's institutions are indeed endangered and the sooner the people of the United States find it out the better it is going to be for the country. [Applause.]

My colleagues, the Father of his Country, in his farewell address, in speaking to his countrymen, said:

> Citizens, by birth or choice, of a common country, that country has a right to a concentration of our affections.

Theodore Roosevelt, just before his death and with the lessons of the Great War close at hand, plead with his countrymen for one language, the language of the Declaration of Independence and the Constitution; one flag, the American flag; and one soul loyalty, and that was loyalty to our common country.

Mr. Chairman, America can fulfill its great destiny only if we of to-day preserve the great institutions that have been bequeathed to us. [Applause.]

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

Mr. DICKSTEIN. Mr. Chairman, for the benefit of my friend from Minnesota [Mr. NEWTON], may I tell him now that there will be nothing left of that predominating party that he is talking about, not only in New York but anywhere else in the United States, if they keep up the discrimination and the knowledge obtained regarding the predominating party in the last four months which we read about in the daily papers. This debate at times to me looks like a burlesque show. We have on this committee men from certain parts of the country for whom I have the highest regard and respect who have an idea that an immigrant has no love for America. Some of the members of the committee have the idea that immigrants from Europe have hair like Chinese. My friend Mr. RAKER, from California, has an idea that he sees Chinamen in the committee room, and so he gets away from the real matter in question with regard to all other parts of Europe outside of the Asiatics and is in constant debate with my other colleagues on the Republican side of the committee, and, by the way, the Republican members of this committee are absolutely in fear of the gentleman from California. We have another gentleman for whom I have the greatest esteem, Judge Box, and he is afraid of the Mexicans. He never saw an immigrant nor had anything to do with them and therefore he has an idea that every immigrant who comes into Ellis Island is a Mexican. So he is a little bit disturbed about those coming from eastern and southern Europe although he has never dealt with them nor lived with them. We have a gentleman, Mr. VAILE, who has been talking against some of the immigration in the last five years from all parts of the world, particularly against southern and eastern Europe, and prefers those from northern and western Europe because their ancestry are of a higher grade and standard; his theory is that by bringing in more from northern and eastern Europe we will have a better class of citizens, although he admits that men from southern and eastern Europe have greatly contributed to the wealth and prosperity of this great United States. Yet he fixes in his mind a policy favoring those of northern and western Europe, which policy is based upon statistics of men who do not know the immigrant nor his value, nor do they know that the immigrant who enters our shores has left his home town forever, never to return, but to adopt our great American country as his, with love and affection for America and what it stands for.

Mr. Chairman and members of this committee, some of you are determined to prejudice those immigrants coming from southern and eastern Europe in preference to those of northern and western Europe. My friend the governor from Ohio [Mr. CABLE] I do not think understands the immigrant; yet he talks about the immigrant without really knowing them. Now, gentlemen, mention has been made about a foreign bloc by that very gentleman from Ohio. What do you know about this foreign bloc? Is it because Members of Congress seem to express opinion contrary to the majority of the committee, contending that no discrimination shall be incorporated into law? Is that what you would call a foreign bloc?

If there is any foreign bloc, it is amongst your own people, because a man gets on the floor of this House and——

Mr. JOHNSON of Washington. Will the gentleman yield?

Mr. DICKSTEIN. No; I do not yield.

Mr. JOHNSON of Washington. Are "your own people" different from the gentleman's own people? Who are "your own people"?

Mr. DICKSTEIN. I am triyng to tell you that when I talk about my people I am talking about the American people and no other people.

Mr. JOHNSON of Washington. The gentleman will do well to correct his remarks. The gentleman charged us with making a discrimination—"your own people."

Mr. DICKSTEIN. When I talk about your own people I mean these people who came from southern and eastern Europe and who have been admitted to citizenship and are a part of the melting pot of America. We should cast no reflections upon them, because they are a part of this great country of ours by this time. What I am trying to tell the gentleman is this: I am trying to tell the gentleman and Members of this House that as Americans we should do American justice, and if we can not do American justice then close the doors; but if you want to do the right thing by the people who happen to come from southern and eastern Europe, and now in this country, then regulate your immigration to such an extent as will be fair without prejudice and without discrimination and you will have no one make complaint.

The CHAIRMAN. The time of the gentleman has expired.

Mr. DICKSTEIN. I ask for two additional minutes.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. DICKSTEIN. I do not want the chairman of this committee and Members to get away with the idea that the charges that you make about the bloc have been charged to the minority in this House in opposition to this bill. The minority simply present to this House their opinion by their written report, which is now before the House. Surely no one is violating any rule of our American institutions by presenting a view contrary to that of the majority. We want a fair and just restriction. The best proof of it is that the only member of the State of New York [Mr. BACON] filed a minority report, and he said in his minority report that the 1890 census is discriminatory, and all of a sudden a new meeting was had by the committee, and Mr. BACON does not sign the last report, which he held contrary to the principles of the majority. Gentlemen, why was that done?

Mr. RAKER. Will the gentleman yield?

Mr. DICKSTEIN. No; I do not yield to the gentleman, as he does not yield to anybody else.

The CHAIRMAN. The gentleman declines to yield.

Mr. DICKSTEIN. Mr. BACON signed a minority report wherein he says that the bill is discriminatory and joins in the opinion of the other two Members of the minority, but Mr. BACON does not sign the last report. Gentlemen, I do not care what census you take, whether you take the 1890, 1920, or what. But whatever you do, let us leave this House to-day with a feeling and sentiment that the American Congress, representing the American people and no foreign bloc, no foreign country but Americans only—let us leave this door and say we have not discriminated against anybody.

Mr. MERRITT. Mr. Chairman, we are all agreed, I think, on the fundamentals of the bill. I do not want to discuss them except to refer to a statement which has been made by many gentlemen that this bill is not discriminatory, and in view of the short time I have I want to confine myself simply to the figures of one country which in the late war was our ally, Italy, and whose sons, at least in my section of the country, have been and are patriotic and valuable citizens. The same is true of other countries. But for lack of time I confine myself to Italy. The proposed bill cuts the quota of Italy from 42,000 to less than 4,000, while our opponent in the late war, Germany, is allowed at the same time to bring in 50,000. Now, it seems to me that this great country of Italy can not help feeling that we are discriminating against our friend and ally which has for centuries made notable contributions to the civilization of the world, and which has helped us in time of peace and in time of war. We all favor amalgamation of people of foreign races now resident in this country, but such action as this will tend quite in the other direction because the Italians will feel that they have been discriminated against and that they have not been treated fairly. This will tend to make them a segregated and dissatisfied group. The only effective Americanization, I think, is Americans themselves to act fairly toward all residents so that people of all races will feel that they are in a friendly atmosphere. I make this suggestion as a practical suggestion, gentlemen, as to one of the main principles of this bill which is to cut down immigration and at the same time not raise up any international disputes or internal hatreds.

Mr. FAIRCHILD. Will the gentleman yield there? In the line of that suggestion which has just been made, the gentleman from Ohio [Mr. CABLE] invited amendments that would further restrict. I purpose to offer an amendment to the Madden amendment to reduce the quota from 2 per cent to 1½ per cent.

Mr. MERRITT. I can not yield further. I think the passage of this bill will lead to serious and just protests from foreign nations.

Now, the President of the United States, when this bill comes before him, will have to consider those protests; he will have to consider them from nations friendly to us during the World War. We can not isolate ourselves, nor should we wound the sensibilities of our friends and allies, and I suggest to you gentlemen that this compromise amendment only increases the quota by about 50,000 and will avoid any question of any sort and will accomplish the object of this bill. We will not hurt the feelings of any country. We will make the bill so that the President can sign it; and it seems to me that the bill prepared by this committee will introduce such grave international questions that it is very doubtful whether the President in the end will feel justified in signing it.

Mr. JACOBSTEIN. Mr. Chairman and members of the committee, I rise to call attention to a very interesting fact, which supports to a very large extent the Madden amendment. It is this: Immigration from 1860 to 1890 was very heavy into this country from countries of northern and northwestern Europe. These foreign born of the northern countries will be counted in the census of 1890.

Now, some one might say, "Is it not a fact that from 1890 to 1920 you had an immigration of people from southern and southeastern Europe and therefore you are favoring the foreigners from those countries that you gentlemen want?" Now, as a matter of fact, a study of the figures will show this, that 75 per cent of all the immigration in the United States from 1860 to 1890—get that, gentlemen—75 per cent of all the immigration into the United States from 1860 to 1890 came from England, France, the Netherlands, the German Empire, Denmark, Norway, Sweden, Switzerland, and Belgium. In other words, the very countries which some of you feel it is necessary to favor are favored by this amendment in this degree—in so far as 75 out of every 100 people who came here before 1890 will be counted as being foreign born in 1890.

Do you not see that to that extent it really favors the people of northern and northwestern Europe? Do I make that clear?

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

Mr. JACOBSTEIN. Yes.

Mr. WEFALD. Does it favor the Scandinavian countries when it cuts the immigration more than 50 per cent?

Mr. JACOBSTEIN. The committee takes all the countries of northern and northwestern Europe and lumps them together.

Mr. WEFALD. I say, does it favor the Scandinavian countries when it cuts their immigration more than 50 per cent?

Mr. JACOBSTEIN. I would have to take your Scandinavian countries and figure it out for each particular country.

Mr. WEFALD. They are not mine. [Laughter.]

Mr. JACOBSTEIN. I think you get the point. Seventy-five per cent of all the foreigners who came here prior to 1890 came from northern and northwestern Europe. Therefore, they will be given just consideration in the census data of 1890 and 1900, 1910 and 1920.

Now I want to offer this proposition to you. I have favored many of the restrictive features of this bill, and I want to demonstrate my sincerity by suggesting another amendment if you do not accept the Madden amendment. I am prepared to offer an amendment substituting 1½ per cent for the 2 per cent quota of the Johnson bill. It will bring the total to 155,811, as against 161,000 under the Johnson bill. Provided, however, you accept my proposition of substituting an average of the four census periods—1890, 1900, 1910, 1920—for the 1890 basis.

Mr. KUNZ. Are you willing to limit that to foreign naturalized citizens?

Mr. JACOBSTEIN. I have only five minutes. If you can give me an extra five minutes I would like to go into the naturalization question.

Mr. KUNZ. You take the foreign naturalized citizens?

Mr. JACOBSTEIN. Our naturalization figures are inaccurate, and the 1890 data did not keep track of that by nationalities in any complete and satisfactory manner.

Now let me come back to the suggested amendment I offer. We who want a restriction bill prove our sincerity by saying we will restrict the total immigration into the United States even more than the bill does, provided it is done on a fair basis.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. JACOBSTEIN. Mr. Chairman, I ask for two minutes more, just to develop this point.

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

Mr. McLAUGHLIN of Michigan. I object.

The CHAIRMAN. Objection is heard.

Mr. LARSON of Minnesota. Mr. Chairman, no Member of this body questions the legal right of the United States to restrict the number of aliens that may enter our shores. We may not only restrict, we may altogether exclude any and all races. The right of restriction and of exclusion of aliens has been clearly established by the judgments of the highest court in our land; it is no longer open to controversy.

I recall in a certain alien exclusion case the Supreme Court of the United States saying:

> It is the accepted maxim of international law that every sovereign nation has the power, as inherent in sovereignty, and essential to self-preservation, to forbid the entrance of foreigners within its dominions, or to admit them only in such cases as it may see fit to prescribe. In the United States this power is vested in the National Government, to which the Constitution has committed the entire control of international relations, in peace as well as in war. It belongs to the political department of the Government and may be exercised either through treaties made by the President and Senate or through statutes enacted by Congress.

It is not therefore a question of whether Congress has the power to restrict or even prohibit entirely; it is simply a question of what is the proper national policy for Congress to pursue. Is it wise to do either, and if we are to continue our policy of restriction, to what extent shall we restrict and how shall that number be proportioned among the races or nations of the world?

Of course, it goes without saying that in legislating on this important question our criterion should not be the welfare of Italy, or Germany, or England, or Scandinavia, or Finland, or Poland. We should measure every provision of this bill by this acid test: If enacted into law, would it be of real benefit to this Republic, its institutions, and its present and future inhabitants? Self-preservation is the first law not only of individuals but also of nations. Every nation has the inherent right not only to perpetuate itself, to keep itself alive, but it also has the inherent right, nay, it is its sacred duty, to strengthen itself morally, physically, and mentally. That is horn-book political philosophy. I state it merely because I do not wish to be misunderstood in what I am about to say.

While Congress has the plenary power to restrict or even prohibit immigration and while in exercising that power it is our right as well as our duty to consider the proposed legislation solely from the viewpoint of the best interests of the United States, we should not be so completely obsessed by nativism, by the shibboleth "America for Americans," as to forget that we belong to a family of nations with whom we desire to keep on friendly and cordial relations and to carry on international trade and commerce. Let us not so legislate as to impair our most valuable national resources, namely, our fund of human energy; that is, the working power of brain and brawn of our people.

Unless it is a matter of urgent and vital importance, the Congress should not enact legislation that will give affront to friendly nations and to humiliate large numbers of our fellow citizens of foreign birth. Let us not unnecessarily engender racial antagonism and discord here in America by injecting into our political life a speculative controversy over the question of race superiority. It is the apple of discord that should have no place in America. I prefer in its stead the divine doctrine of the fatherhood of God and its corollary, the brotherhood of man. The test of American citizenship should not be from whence we came or to what race we belong, but what we are. Character should be the supreme test of desirability and citizenship.

This bill contains many admirable and humane provisions. It shows on its face that it has been carefully and laboriously considered. But, being the product of human effort, it is by no means perfect. The committee who framed it does not claim that it is perfect—that it is the last word in immigration legislation. The time is not ripe for the establishment of a permanent immigration policy. We have not had an opportunity to make a sufficiently exhaustive study of the facts and the post-war condition here and in Europe to qualify us to establish a permanent and economically sound and politically wise immigration policy for the United States. Our legislation must of necessity be more or less experimental and tentative.

I would not charge the committee with racial prejudice, but there is no gainsaying that a large and respectable element of our population look upon the quota provisions of this bill as discriminatory against the races from whence they sprang. They sincerely believe that if Congress should adopt the committee quota proposal it would be giving official sanction to the so-called ethnic doctrine of alleged race inferiority of the eastern and southern races of Europe.

Congress should not, unless it is a matter of impelling national necessity, enact the proposed quota provision into law and thereby give any justification to the charge that it is actuated in legislating on immigration by racial prejudices.

No fair-minded man will accuse the membership of the United States Chamber of Commerce of alienism. They are Americans all. Its immigration committee has carefully investigated this subject. One of its members is the son of President Garfield. That committee makes the following recommendation, which ought to appeal to the good sense of Congress:

* * * * * * *

The committee further recommends:

RECOMMENDATION 6

That the present base year, 1910, be retained in any extension of the quota law.

Proposals which seek frankly to secure a preponderance of Nordics by changing the base year from 1910 to 1890 or other earlier year apparently are made without a study of the working of the present quota law. This law, based upon the year 1910, seemingly is giving us what the advocates of 1890 desire and doing it without raising the troublesome question of discrimination. This result is due in considerable measure to the much greater tendency of the southern and eastern peoples to return home after a brief sojourn here. That is, the result is due to their own action, not to ours.

Net immigration—Official figures of Immigration Service.

Nationality	1924	1923	1922 [1]	1921	1914	1913
I.—North and west Europeans [2]	[3] 278,088	258,163	100,967	172,442	218,293	234,128
II.—South Europeans	31,950	25,126	[4] 23,000	210,216	226,633	201,939
III.—East Europeans	48,581	33,817	[4] 36,627	4,267	307,336	333,434
IV.—Hebrews, all countries	43,247	49,306	52,694	118,553	131,225	94,633

[1] First quota year.
[2] Finland is included in Group I.
[3] Quotas of many countries were exhausted in the first 6 months of the fiscal year 1923-24, leaving a balance of admissibles to June 30, 1924, from quota countries of only 18,919, or 5.3 per cent of the total annual quota.
[4] Decrease.

So marked is the discrepancy between north and west and south and east, as shown in these figures, that there does not seem to be much strength in the proposal to increase it by changing the base year during the short period over which it is recommended that the quota law be extended.

I concur in that recommendation. By adopting it America will be amply safeguarded from excessive and undesirable immigration and at the same time we will avoid the engendering of racial prejudice and the giving affront to friendly nations some of which were our allies in the World War.

We need not fear the Italian immigration. The Italians are a great race. As it has been truly said:

Italy has given the world more than the world will ever willingly let die, to use Milton's noble phrase, more than any other nation in Europe. The debt of civilization to Italy is so great as to be almost incomputable.

The Americans of Italian birth and descent are an asset to America. They constitute an important part of our most valuable resource, our fund of human energy. They possess in a remarkable degree the economonic virtues of intelligence, industry, frugality, thrift, and mutual helpfulness. They are law-abiding. They are patriotic.

The Italians in the United States are about 4 per cent of the whole population, but the list of casualties of the World War shows a full 10 per cent of Italian names. More than 300,000 of them figured in the United States Army list and they showed their devotion to our country and to humanity not only on the inner lines but on the firing lines as well.

Why, I ask, should we give cause for even suspicion that we regard the Italians as an inferior race and as undesirable immigrants?

The Poles, too, are a great and also a proud race. They are an asset in our economic life and an element of strength to the Republic.

We welcomed them to our shores when they came here to help us in our War of Independence; they helped us to save the Union from destruction; they did their share in the World War, why are they not all right to live with us and to cooperate with us in building up and strengthening this Nation which they helped to found and to save?

In mentioning the Italians and Poles I do not, of course, mean to make invidious comparisons between them and other races of southern and eastern Europe. I mention them because I have had an opportunity to live among many Italians and Poles in this country. I know them. I have had the good fortune to visit Italy where I could and did study the Italians in their wonderful and beautiful country.

Let us not adopt the policy that many thousand years ago was adopted by the Chinese. They were then a highly civilized people. They lived in one of the richest quarters of the globe. From the time that they adopted the policy of "China for the Chinese" their faces have turned backward and "they have simply been worshipping the shades of their father."

America is big enough to assimilate all that may come from Europe under the 1910 quota and I hope American statesmanship is broad enough to favor the insertion of that quota provision into our immigration law.

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

The CHAIRMAN. The gentleman has that privilege.

Mr. HOLADAY. Mr. Chairman and gentlemen of the committee, I suppose that every Member of this House has noticed throughout this debate that there have been two elements, two factions, or two blocs, if you want to call them blocs. On the one side there have been those Members who are opposed to the restriction of immigration, and while they may say they are not opposed to restriction, yet if you will take this RECORD and look through it since we have been considering this bill, you will see that from this bloc amendment after amendment has come to raise the quota here and there, to take the age limit of 55 years off the parents and to provide for the renewal of certificates that have been canceled, and so on. At every opportunity their main purpose has crept out, and that is, to open the doors as far as possible.

In my opinion, the gentlemen on this floor who have been interested in their fellow countrymen and the members of their race have done a greater injury to their race than any other thing that has been done. There is no prejudice in this country against any particular race unless there is a fear that that race is becoming strong enough to influence legislation in the American Congress. [Applause.] Whenever there is a group that is strong enough to send their Representatives to this floor and their Representatives devote their time to seeing how many of their former countrymen can be brought in, it produces in the mind of the general public of America the convic-

tion that there is danger from foreign immigration. The real test of whether or not an individual or a group of individuals of any particular nationality have become Americanized is whether or not they are far enough removed from their native country, far enough removed from the interests of their native country to have only one interest, the interest of America. [Applause.]

In the committee we witnessed the spectacle of a man that I believe is foreign born—if not, he is of a foreign race—who is now on the supreme bench of the great State of New York, coming before the committee, representing his fellow countrymen of his native country, and pleaded with the committee not to cut down the representation of that country. Why? Because, he said:

Our immigrants are sending back to that country millions of dollars a year, and if you pass this bill it means a loss of $70,000,000 a year.

Mr. LAGUARDIA. Will the gentleman yield?

Mr. HOLADAY. Yes.

Mr. LAGUARDIA. Will not the gentleman point out the page of the testimony to which he refers?

Mr. HOLADAY. I can not refer to the page, but I can give you the man's name—Judge Cotillo.

Mr. LAGUARDIA. Did he make any such statement?

Mr. HOLADAY. He made that statement. He said:

If you pass this bill it means a loss of $70,000,000 a year to Italy and will cripple her in her financial rehabilitation.

Mr. DICKSTEIN. Will the gentleman yield?

Mr. HOLADAY. Yes.

Mr. DICKSTEIN. Does not the gentleman remember that Judge Cotillo said to the committee, "If you are going to take the 1890 census, I would much prefer that you close the doors against the Italian immigrants?"

Mr. HOLADAY. Yes; but when he said that I think he had the same thing in mind that the gentleman from New York has when he makes the same statement, viz: "Anything to stop this legislation."

Mr. VAILE. Will the gentleman yield?

Mr. HOLADAY. Yes.

Mr. VAILE. Have we not had exactly that protest from the embassy of one foreign country, Rumania, through a communication to the Secretary of State, which stated, in effect, that the passage of this bill would stop the sending of money back to Rumania?

Mr. HOLADAY. I so understand; yes. Gentlemen, this is not a question of discriminating against any particular race, but it is a question of protecting America. [Applause.]

The CHAIRMAN (Mr. GRAHAM of Illinois). The time of the gentleman has expired.

Mr. QUIN. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Mississippi offers an amendment, which the Clerk will report. Does the gentleman offer this as an amendment to the amendment? The Clerk informs the Chair that there is an amendment pending and a substitute pending.

Mr. QUIN. I offer it as an amendment to the pending amendment.

The CHAIRMAN. Without objection, the Clerk will read the gentleman's amendment for the information of the committee and have it pending.

There was no objection.

The Clerk read as follows:

Amendment offered by Mr. QUIN: Page 14, line 16, strike out the figure "2" and insert "0."

The CHAIRMAN. Does the gentleman from Texas [Mr. BOX] desire recognition?

Mr. BOX. Yes.

The CHAIRMAN. The gentleman from Texas is recognized for three minutes.

Mr. QUIN. Mr. Chairman, I would like to have time to debate my amendment.

The CHAIRMAN. The former occupant of the chair informed me that there were but four minutes remaining. If the gentleman from Texas, a member of the committee, desires recognition, the Chair will recognize him.

Mr. BOX. Mr. Chairman, I will yield to the gentleman from Mississippi.

The CHAIRMAN. The gentleman from Mississippi is recognized for three minutes.

Mr. CELLER. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. CELLER. Do I still have the right to offer an amendment to the substitute?

The CHAIRMAN. The Chair thinks so.

Mr. QUIN. Mr. Chairman, how long am I recognized for?

The CHAIRMAN. Three minutes.

Mr. QUIN. Mr. Chairman and gentlemen, the gentleman from Illinois [Mr. MADDEN] offered an amendment going back to 1850 and clear up to 1920.

Mr. MADDEN. Oh, no; 1890.

Mr. QUIN. Well, 1890. I have offered an amendment to prevent any per cent of aliens coming into the United States. Everyone knows that those who are exempted from the quota requirement, the husbands, wives, and children, will be ample immigration to come into this Republic. So we may as well say we will have none under the quota allowance, and I offer this amendment for that purpose.

If you are familiar with the empires and republics which passed away in ancient times you know they passed away because of aliens coming in and taking charge of the countries. You take the different provinces of Greece. They were either destroyed by slaves who were brought in or by conquered peoples who were brought in. Because of their great numbers and the hardships through which they passed they were enabled, in the course of years, to take charge of those provinces, and not by force of arms but by force of numbers and accomplishments. In that way they took charge of the countries into which they went, and for that reason we should look out to prevent that danger of foreign domination of the United States.

The CHAIRMAN (Mr. SANDERS of Indiana). The time of the gentleman has expired. All time has expired. The gentleman from New York [Mr. CELLER] offers an amendment to the substitute offered by the gentleman from West Virginia [Mr. ROSENBLOOM], which the Clerk will report.

The Clerk read as follows:

Amendment to the substitute offered by the gentleman from West Virginia, offered by Mr. CELLER: Page 14, after the words of the substitute insert: "*Provided*, The Secretary of State and Secretary of Labor shall examine for the year of 1920, in all naturalization courts of the United States, the final naturalization papers of all nationals of all countries where the quota provisions of the present law are now operative and shall discover the length of time the various nationals remained in the United States prior to taking out final naturalization papers, and shall then divide the total permissible number of immigrants among nationals in proportion to the length of time said nationals so remained in the United States prior to taking out final naturalization papers."

Mr. RAKER. Mr. Chairman, I reserve a point of order. Can a Member offer a substitute without striking out any of the substitute and just simply adding an amendment to it?

The CHAIRMAN. This amendment purports to be an amendment to the substitute. The Chair will examine the amendment. [After examining the amendment.] The Chair sustains the point of order. The amendment is an amendment to the section, which may be proper at the proper time but it is not proper as an amendment to the substitute.

Mr. FAIRCHILD. Mr. Chairman, I offer an amendment to the Madden amendment, so as to make the section read: "One-half per cent," instead of 2 per cent.

Mr. LAGUARDIA. Mr. Chairman, a parliamentary inquiry. How many amendments have we now pending?

The CHAIRMAN. The Chair will state to the gentleman from New York [Mr. FAIRCHILD] that there is nothing in the Madden amendment relating to that. The gentleman's amendment will properly come as an amendment to the section and not to the Madden amendment.

Mr. FAIRCHILD. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. FAIRCHILD. My purpose is not to reduce the 2 per cent as stated in the amendment but to reduce the 2 per cent in connection with the Madden amendment, taking the four years, 1890, 1900, 1910, and 1920.

The CHAIRMAN. If the gentleman will prepare an amendment of that nature and submit it, the Chair will pass upon it, but that is not the amendment which the gentleman has submitted.

Mr. SABATH. Mr. Chairman, a parliamentary inquiry. After the amendments that are now pending are voted up or down, will the membership of the House have the privilege of offering other amendments to the section?

The CHAIRMAN. Yes.

Mr. FAIRCHILD. Mr. Chairman, I offer an amendment to the Madden amendment by inserting the words "one and a half per cent of" before the word "average."

Mr. LAGUARDIA. Mr. Chairman, I raise the point that the amendment is not offered according to the rules of the committee.

The CHAIRMAN. The rules of the committee require that amendments be submitted in writing. [Cries of "Vote!" "Vote!"]

Mr. LaGUARDIA. Mr. Chairman, I ask for the regular order.

Mr. TAYLOR of West Virginia. Mr. Chairman, while we are waiting, may we not have the substitute amendment offered by the gentleman from West Virginia again reported?

The substitute amendment offered by the gentleman from West Virginia [Mr. ROSENBLOOM] was again reported.

Mr. LaGUARDIA. Mr. Chairman, I ask for the regular order.

The CHAIRMAN. The committee is proceeding in order.

Mr. TINCHER. Mr. Chairman, a parliamentary inquiry. Is it the theory of the Chair that some one is preparing an amendment to offer?

The CHAIRMAN. It is the opinion of the Chair that the gentleman is complying with the rules of the House which require him to submit his amendment in writing.

Mr. HUDSON. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. HUDSON. Can we ask for a division of the last amendment and have a division vote?

The CHAIRMAN. No vote has been taken on the last amendment.

Mr. HUDSON. I mean can we ask to have the question divided on the vote?

The CHAIRMAN. The gentleman can ask that, but the Chair does not know whether it is proper to have it divided or not.

Mr. HUDSON. If it is possible, I would like to ask that the question be divided.

The CHAIRMAN. The Chair will recognize the gentleman to make that request. I will say to the gentleman that the Chair has not given the amendment sufficient consideration to state now whether it is divisible or not.

The gentleman from New York [Mr. FAIRCHILD] offers an amendment to the Madden amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. FAIRCHILD: Amend the Madden amendment by inserting before the word "average" the words "one and one-half per cent of."

Mr. LaGUARDIA. Mr. Chairman, I ask to have the Madden amendment read as modified by the amendment of the gentleman from New York.

Mr. JOHNSON of Washington. Mr. Chairman, the amendment modifies the Madden amendment and in that way endeavors to amend what goes ahead of the Madden amendment, which we have not under consideration.

Mr. SABATH. Mr. Chairman, is there not a substitute offered by the gentleman from West Virginia pending?

The CHAIRMAN. Yes; the Chair will state to the gentleman from Illinois that a perfecting amendment has preference over a substitute amendment, regardless of when it is offered. Is there objection to the request of the gentleman from New York [Mr. LaGUARDIA]? [After a pause.] The Chair hears none.

The Clerk read as follows:

Amendment by Mr. MADDEN, as modified by the amendment of the gentleman from New York [Mr. FAIRCHILD]: Page 14, line 16, after the word "the," strike out the remainder of the paragraph and insert in lieu thereof the following: "1½ per cent of average of the number of foreign-born individuals of such nationality resident in the United States in 1890, 1900, 1910, and 1920, as determined by the United States census for 1890, 1900, 1910, and 1920, respectively."

Mr. FAIRCHILD. Mr. Chairman, it should be after the word "thereof" and not after the word "the."

Mr. JOHNSON of Washington. Mr. Chairman, the gentleman from New York has offered the amendment in such a way that if adopted it would read entirely different from what was intended.

The CHAIRMAN. The Chair can not pass on the question of whether the language would be appropriate or not. The question is on the amendment offered by the gentleman from New York [Mr. FAIRCHILD].

The question was taken, and the amendment was rejected.

The CHAIRMAN. The question now recurs on the substitute amendment offered by the gentleman from West Virginia to the amendment offered by the gentleman from Illinois [Mr. MADDEN].

Mr. BOX. Mr. Chairman, I ask that the substitute amendment may be again reported.

The substitute amendment offered by the gentleman from West Virginia [Mr. ROSENBLOOM] to the amendment offered by the gentleman from Illinois [Mr. MADDEN] was again reported.

Mr. HUDSON. Mr. Chairman, I ask that the question be divided.

The CHAIRMAN. The gentleman from Michigan [Mr. HUDSON] asks a division of the question. The Chair will state to the gentleman that the motion is a motion to strike out and insert, and under the express provisions of the rules of the House it is not divisible. The question is on the substitute amendment offered by the gentleman from West Virginia.

The question was taken, and the substitute amendment was rejected.

The CHAIRMAN. The question now recurs on the amendment offered by the gentleman from Illinois.

Mr. BOYCE. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. BOYCE. To offer an amendment.

The CHAIRMAN. The amendment which the gentleman has sent to the desk is an amendment to the bill and not to the Madden amendment.

Mr. BOYCE. Mr. Chairman, I intended it as an amendment to the bill.

The CHAIRMAN. The Chair will state that the Madden amendment must first be disposed of. The Chair will recognize the gentleman later.

The question recurs on the amendment offered by the gentleman from Illinois [Mr. MADDEN].

The question was taken; and on a division (demanded by Mr. MADDEN) there were—ayes 84, noes 128.

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

Tellers were ordered; and the Chair appointed as tellers Mr. MADDEN and Mr. JOHNSON of Washington.

The committee again divided; and the tellers reported that there were 89 ayes and 162 noes.

So the amendment was rejected.

Mr. SABATH. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 14, line 19, strike out the figures "1890" and insert the figures "1910."

The CHAIRMAN. 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 42 ayes and 130 noes.

So the amendment was rejected.

Mr. BOYCE. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 14, after the word "thereto" in line 16, strike out the figure "2" and insert the figures "1½"; also, after the word "born," strike out "individuals" and insert "naturalized citizens"; also, in line 19, strike out the figures "1890" and insert in lieu thereof "1910."

The CHAIRMAN. The question is on the amendment of the gentleman from Delaware.

The question was taken, and the amendment was rejected.

Mr. GILBERT. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 14, line 16, strike out "2 per cent" and insert "1 per cent."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Kentucky.

The question was taken, and the amendment was rejected.

Mr. LaGUARDIA. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 14, line 19, strike out the figures "1890" and insert "1920."

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. DICKSTEIN. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 14, line 16, after the word "thereto" strike out the figure "2" and insert the figure "3."

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. TAYLOR of West Virginia. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 14, strike out lines 14 to 19, inclusive, and insert in lieu thereof the following:

"LIMITATIONS

"SEC. 10. (a) When used in this act the term 'quota' when used in reference to any nationality means 100, and in addition thereto one for each certificate of naturalization issued by the United States during the preceding calendar year to an individual of such nationality, as determined by the certified report of the various courts having jurisdiction in the issuance of naturalization certificates."

The CHAIRMAN. The question is on the amendment offered by the gentleman from West Virginia.

The question was taken, and the amendment was rejected.

Mr. CELLER. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 14, line 16, after the word "the" insert: foreign-born individuals equivalent to 200,000 in number. The Secretary of State and Secretary of Labor shall examine for the year 1923, in all naturalization courts of the United States, the final naturalization papers of all nationals of all countries where the quota provisions of the present law are now operative and shall discover the length of time the various nationals remained in the United States prior to taking out final naturalization papers and shall then divide the said permissible number of 200,000 among nationals in proportion to the length of time said nationals so remained in the United States prior to taking out final naturalization papers.

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 offered by Mr. PERLMAN: Page 14, line 16, after the word "thereto," strike out "2 per cent of."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was rejected.

Mr. DICKSTEIN. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Amendment offered by Mr. DICKSTEIN: Page 14, line 15, after the word "means," strike out the figures "100" and insert the figures "200."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was rejected.

Mr. TAYLOR of West Virginia. Mr. Chairman, I offer the following amendment which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. TAYLOR of West Virginia: Page 16, beginning with line 14——

The CHAIRMAN. That section of the bill has not yet been read.

Mr. TAYLOR of West Virginia. Then I will ask the gentleman to keep the amendment at the desk and I shall offer it later.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

NATIONALITY

SEC. 11. (a) For the purposes of this act nationality shall be determined by country of birth, treating as separate countries the colonies, dependencies, or self-governing dominions for which separate enumeration was made in the United States census of 1890; except that (1) the nationality of a minor child, accompanied by its alien parent not born in the United States, shall be determined by the country of birth of such parent if such parent is entitled to an immigration certificate, and the nationality of a minor child, accompanied by both alien parents not born in the United States, shall be determined by the country of birth of the father if the father is entitled to an immigration certificate; and (2) if a wife is of a different nationality from her husband and the entire number of immigration certificates which may be issued to quota immigrants of her nationality for the calendar month has already been issued, her nationality may be determined by the country of birth of her husband if she is accompanying him and he is entitled to an immigration certificate, unless the total number of immigration certificates which may be issued to quota immigrants of the nationality of the husband for the calendar month has already been issued. An immigrant born in the United States who has lost his United States citizenship shall be considered as having been born in the country of which he is a citizen or subject, or if he is not a citizen or subject of any country, then in the country from which he comes.

(b) The Secretary of State, the Secretary of Commerce, and the Secretary of Labor, jointly, shall, as soon as feasible after the enactment of this act, prepare a statement showing the number of individuals of the various nationalities resident in the United States as determined by the United States census of 1890, which statement shall be the population basis for the purposes of this act. In the case of a country recognized by the United States before 1890, but for which a separate enumeration was not made in the census of 1890, the number of individuals born in such country and resident in the United States in 1890, as estimated by such officials jointly, shall be considered for the purposes of this act as having been determined by the United States census of 1890. In the case of a colony or dependency existing before 1890, but for which a separate enumeration was not made in the census of 1890 and which was not included in the enumeration for the country to which such colony or dependency belonged, the number of individuals born in such colony or dependency and resident in the United States in 1890, as estimated by such official jointly, shall be considered for the purposes of this act as having been determined by the United States census of 1890 to have been born in the country to which such colony or dependency belonged. In case of changes in political boundaries in foreign countries occurring subsequent to 1890 and resulting (1) in the creation of new countries, the Governments of which are recognized by the United States, or in the establishment of self-governing dominions, or (2) in the transfer of territory from one country to another, such transfer being recognized by the United States, or (3) in the surrender by one country of territory, the transfer of which to another country has not been recognized by the United States, such officials, jointly, shall estimate the number of individuals resident in the United States in 1890 who were born within the area included in such new countries or self-governing dominions or in such territory so transferred or surrendered, and revise the population basis as to each country involved in such change of political boundary. For the purpose of such revision and for the purposes of this act generally, (1) aliens born in the area included in any such new country or self-governing dominion shall be considered as having been born in such country or dominion, and aliens born in any territory so transferred shall be considered as having been born in the country to which such territory was transferred, and (2) territory so surrendered shall be treated as a separate country.

Mr. JOHNSON of Washington. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Committee amendment offered by Mr. JOHNSON of Washington: Page 18, line 4, strike out the figure "(1)" and insert "(A)," and in line 9 strike out the figure "(2)" and insert in lieu thereof "(B)."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. JOHNSON of Washington. Mr. Chairman, I have five other short amendments to make the corrections desired by the State Department, covering the words that would indicate mandates and protectorates, and I ask unanimous consent that they may be considered en bloc.

The CHAIRMAN. The gentleman from Washington offers several amendments and asks unanimous consent to consider them en bloc. The Clerk will report the amendments.

The Clerk read as follows:

Committee amendments offered by Mr. JOHNSON of Washington:

Page 16, line 21, strike out the words and figures "before 1890."

Page 17, line 6, after the comma, insert "or in the case of a territory administered under a protectorate"; and in line 7 strike out the words "colony or dependency" and insert in lieu thereof the following: "colony, dependency, or territory"; and in line 12, after the word "belonged," insert "administers such protectorate."

Page 17, line 8, strike out the word "official" and insert in lieu thereof the word "officials."

Page 17, line 20, after the comma, insert "(4) in the administration of territories under mandates"; and on page 18, line 1, after the word "surrendered," insert the words "or administered under a mandate"; and in line 9, after the word "surrendered," insert the words "or administered under a mandate"; and at the end of line 10 insert a new sentence, as follows: "Such treatment of territory administered under a mandate shall not constitute consent by the United States to the proposed mandate where the United States has not consented in a treaty to the administration of the territory by a mandatory power."

Page 18, after line 10, insert a new subdivision to read as follows:

"(c) The statements, estimates, and revisions provided for in this section shall be made annually."

The CHAIRMAN. Without objection, the amendments will be voted on en bloc.

There was no objection.

The CHAIRMAN. The question is on agreeing to the committee amendments.

The committee amendments were agreed to.

Mr. BYRNS of Tennessee. Mr. Chairman, I move to strike out the last word. I have not taken any of the time of the committee during the consideration of this bill, and I propose to take only a few minutes at this time. I am heartily in favor of the bill as reported by the committee, and I think the members of the committee are to be commended for the study and consideration they have given to the subject and for the bill which they have reported. In my judgment the subject of immigration should be considered by the Congress solely and singly from the standpoint of America's best interests, and I have regretted to note that in some of the discussions against the bill there has run the idea that we should give consideration to the interest of those who desire to come into this country rather than to the interest of America and American institutions. I do not profess to have any more patriotism than any other Member of this House, and I am quite sure that every man who is opposed to this bill is patriotic, but, as I view it, some of them have lost sight of America's interest in their effort to change this bill.

I have listened to the discussion here with reference to the quota based on the census of 1890, and I fail to see that there is any particular discrimination against the citizens of any foreign country. But even if there is discrimination, if it be in the interest of America and American institutions, then the Congress has the right to make that discrimination and should make such discrimination in the interest of our own people.

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

Mr. BYRNS of Tennessee. I hope the gentleman will excuse me because I have only a very few minutes. The census of 1890 as a basis, in my opinion, is fair and in the interest of the citizens of this country, whether native or foreign born, and in the interest of the preservation of American institutions. I have taken this time particularly for the purpose of giving credit to a gentleman who lives in my home city, Prof. Roy L. Garis, of Vanderbilt University, Nashville, Tenn., for having made the first suggestion as to the wisdom and importance of adopting the census of 1890 as a basis for the quota. He was the first to suggest the census of 1890 as a proper basis for a quota for this law. For a long time he has been advocating it and contributing articles to prominent periodicals, some of which I wish I could insert in the RECORD, advocating the census of 1890 as a proper basis for a quota.

He is a gentleman of wide information and a close student and has given to this subject of immigration the closest study for a number of years, and I think it is due him to say that those of us who believe that the census of 1890 is a proper basis give him credit for having rendered what we regard as a great service to America and to the Congress as well.

Mr. JOHNSON of Washington. I would like to say that I personally have been in correspondence with Professor Garis. I have read his writings and appreciate the work that he has done which helped us in the framing of this bill.

Mr. BYRNS of Tennessee. I am glad to have the gentleman make that statement, because he is well known to be one of the foremost in the advocacy of proper restrictive immigration legislation and in the framing of the bill now before the House.

Mr. TAYLOR of West Virginia. Mr. Chairman, I move to strike out the last two words.

Mr. BEGG. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BEGG. What is before the House?

The CHAIRMAN. The gentleman from West Virginia has moved to strike out the last two words.

Mr. TAYLOR of West Virginia. Mr. Chairman and gentlemen, a little while ago I offered an amendment fixing the immigration quota at 100 plus the number of final citizenship papers issued to aliens during the preceding calendar year. Because five minutes a while ago were more important than five minutes are now, I was precluded from speaking on the amendment I offered; and consequently, not having been debated, it secured only one or two votes. My amendment would have placed a premium on American citizenship. I find by correspondence with the Department of Labor that approximately 145,000 persons were admitted to citizenship last year. Had my amendment been adopted, this sum, plus 100, would have been the quota basis of immigration during the coming fiscal year—a reduction from the probable quota of the Johnson bill of 16,000. I believe that this would have been the fair thing to do. There could have been no charges of discrimination, as now alleged against the bill, and at the same time it would have been more restrictive, yet allowing the nationals who appreciate American citizenship most, and who prove it by becoming American citizens, to admit one of their nationality for each final citizenship paper so secured. In this manner we could have maintained the parity between aliens now in this country and citizenship granted, and we would have had the satisfaction of knowing that foreign influence was not being augmented by aliens coming to our shores to join other aliens who had found asylum in our land yet who had not taken citizenship papers. I believe that the time has come for us to address ourselves to the task of making American citizens out of those who come here from foreign soil, and I believe that my amendment would have been a step in that direction.

I have listened to practically all of the debate on this interesting bill. Those who wanted to liberalize it and allow a greater percentage of immigrants brought into this Chamber various multicolored charts with which to prove their figures. Could I have but spoken to my amendment I would have pointed you to the colors of that Old Flag, and I would have called to witness in my behalf the wisdom of George Washington when he said:

> Against the insidious wiles of foreign influence—I conjure you to believe me, fellow citizens—the jealousy of a free people ought to be constantly awake, since history and experience prove that foreign influence is one of the most baneful foes of republican government.

I wanted to lessen this baneful influence, and I knew of no better way to attempt it than to limit our immigration quota to the number receiving final citizenship papers each year.

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

Mr. TAYLOR of West Virginia. Yes.

Mr. WATKINS. Does not the gentleman realize that the vice of his proposition would result in naturalization being sought so as to increase immigration instead of those ideals that ought to actuate a man in becoming an American citizen?

Mr. TAYLOR of West Virginia. No; I do not. A man must be here five years at least before he can attain American citizenship. If at the end of five years he becomes a citizen in order that his brother may come in, we will have one American citizen as against two aliens under the present or contemplated law.

Mr. WATKINS. Whether the brother wanted to or not?

Mr. TAYLOR of West Virginia. A man would not take citizenship papers for his brother, but only for himself. Taking citizenship papers, of course, would allow another of the same nationality to come in, but he will come in any way.

I am willing to trust our courts to see that aliens are ready for citizenship. Last year 24,884 certificates of naturalization were denied, and I am quite sure that if an amendment such as I suggested had been incorporated in this bill that there would have been no increase over the quota fixed by the present bill, which is 2 per cent of the alien population as shown by the census of 1890.

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 Clerk will read.

The Clerk read as follows:

EXCLUSION FROM UNITED STATES

SEC. 12. (a) No immigrant shall be admitted to the United States unless he (1) has an unexpired immigration certificate or was born subsequent to the issuance of the immigration certificate of the accompanying parent, (2) is of the nationality specified therein, (3) is a nonquota immigrant if specified in the certificate as such, and (4) is otherwise admissible under the immigration laws.

(b) No alien ineligible to citizenship shall be admitted to the United States unless such alien (1) is admissible as a nonquota immigrant under the provisions of subdivision (b), (d), or (g) of section 4, or (2) is the wife, or the unmarried child under 18 years of age, of an immigrant admissible under such subdivision (d), and is accompanying or following to join him, or (3) is not an immigrant as defined in section 3.

(c) The Secretary may admit to the United States any otherwise admissible immigrant not admissible under clause (2) or (3) of subdivision (a) of this section, if satisfied that such inadmissibility was not known to and could not have been ascertained by the exercise of reasonable diligence by such immigrant prior to the departure of the vessel from the last port outside the United States and outside foreign contiguous territory, or, in the case of an immigrant coming from foreign contiguous territory, prior to the application of the immigrant for admission.

(d) No quota immigrant shall be admitted under subdivision (c) if the entire number of immigration certificates which may be issued to quota immigrants of the same nationality for the fiscal year has already been issued. If such entire number of immigration certificates has not been issued, then the Secretary, upon the admission of a quota immigrant under subdivision (c), shall reduce by one the number of immigration certificates which may be issued to quota immigrants of the same nationality during the fiscal year in which such immigrant is admitted; but if the Secretary finds that it will not be practicable to make such reduction before the end of such fiscal year, then such immigrant shall not be admitted.

(e) Nothing in this section shall authorize the remission or refunding of a fine, liability to which has accrued under section 15.

(f) An immigrant who has been legally admitted to the United States and who departs therefor temporarily at frequent intervals may be admitted to the United States, under such conditions as may be by regulations prescribed, without being required to obtain an immigration certificate in respect of each entry into the United States.

Mr. JOHNSON of Washington. Mr. Chairman, I have two perfecting amendments offered by the committee.

The CHAIRMAN. The Clerk will report the committee amendments.

The Clerk read as follows:

Page 18, line 16, strike out the word "therein" and insert in lieu thereof the words "in the visé in the certificate."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The CHAIRMAN The Clerk will report the next committee amendment.

The Clerk read as follows:

Page 18, line 17, after the word "the," "visé in the."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. ROACH. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Missouri offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. ROACH: Page 19, after the word "admission" at the end of line 10, add the following:

"The Secretary may also permanently admit to the United States any alien as to whom he finds:

"(1) That such alien was temporarily admitted to the United States before April 1, 1924;

"(2) That at the time of such temporary admission such alien was the minor child of a citizen of the United States; and

"(3) That permanent and adequate provision (including the giving of such bond in such sum, with such sureties, and with such conditions as the Secretary deems necessary) has been made for the care and support of such alien child in the United States and that such alien child is not likely to become a public charge. If at any time after the permanent admission of such alien he becomes a public charge he 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. JOHNSON of Washington. Mr. Chairman, I reserve a point of order.

The CHAIRMAN. The gentleman from Washington reserves a point of order against the amendment.

Mr. ROACH. Mr. Chairman and gentlemen of the committee, I wish to preface my remarks upon this amendment by stating that I am heartily in favor of this bill and expect to support it.

I am quite sure that if the committee understood the case to which I am about to call your attention, you would adopt this amendment. I feel confident in stating if the committee understood the real situation involved, and which my amendment seeks to solve, there would be no serious objection on the part of the committee to its adoption.

I make that statement with some degree of confidence, because the subject matter involved in my amendment was heretofore presented by me to the Committee on Immigration and Naturalization during their sittings last year in hearings held by the committee on a special bill which I introduced for the relief of an alien who is at present a resident of my district. The status of that alien and the subject involved in this amendment were quite thoroughly considered by the committee. After a hearing on the subject the committee in its bill, reported in this House in February, 1923, incorporated a provision or section intended to accomplish the very purpose now sought to be accomplished by my present amendment.

The situation which I desire to call your attention arises from a case in my district, and it is my information obtained during the hearing of the committee last year that perhaps 40 other cases of a similar character existed in the United States at that time. Since that time, however, there has been some reduction of that number. I am not in possession of the exact number of the reductions, but there would naturally be some less number than that involved at this time due to the fact that some of these cases have been closed by deportation.

The facts of the case to which I now call the attention of the committee, and which will be solved and relieved by the adoption of my proposed amendment, are about these: In 1904 a certain Turk-Syrian, N. J. Kalaf by name, came to this country; immediately upon his arrival he made application to become a citizen of the United States, and as rapidly as the court under the law could naturalize him he was duly naturalized and became a citizen of the United States. In the meantime he sent for members of his family. In 1914, in September of that year, I believe, his wife and children arrived at port in the United States. One of the members of his family, namely, a son then under age, was a feeble-minded child.

It seems that this child, at the age of 3 years, had a spell of fever which left his mind in an enfeebled condition. That child was admitted by the immigration authorities under bond given by his father to deliver him up for deportation when called upon by the Government so to do. Since that time the order permitting his entry into and remaining in the United States has been continued or renewed from time to time until recently an order of deportation has been issued. The child is as harmless as a 3-year-old baby and dearly loved by its parents, who are American citizens. In fact, his father is one of the best citizens we have in Missouri. He is one of our foremost business men, a man amply financially able to maintain and keep his child in a State institution—if that be necessary—and to set apart for him an annuity to insure that he will never become a public charge or a public menace in any way. My amendment merely grants discretion and power in the Secretary to permit this action, under proper rules and regulations to be prescribed by the Secretary.

If the order for this child's deportation is put into effect it virtually means the deportation of an American family. His parents will depart when the child is required to go. They are as fine people as I have ever met. His father is a 100 per cent American citizen.

The CHAIRMAN. The time of the gentleman has expired.

Mr. ROACH. May I have five minutes additional?

The CHAIRMAN. The gentleman from Missouri asks unanimous consent to proceed for five minutes. Is there objection?

Mr. JOHNSON of Washington. I shall have to object. I would like to say that the gentleman from Missouri has done everything he could with regard to this case, but the amendment he offers is not germane to the bill.

The CHAIRMAN. The gentleman from Washington makes the point of order that the amendment is not germane.

Mr. ROACH. Just what is the gentleman's point of order?

The CHAIRMAN. The Chair was stating it as he understood it, that it is not germane to the bill.

Mr. JOHNSON of Washington. This is a bill to restrict and limit immigration, while this amendment provides for the personal relief of an alien now in the United States under bond.

Mr. ROACH. I contend the amendment is germane. Let me state my understanding of the section to which I have offered this amendment. This section to which I have offered the amendment——

Mr. JOHNSON of Washington. Mr. Chairman, I will withdraw the point of order and let the amendment come to a vote.

Mr. ROACH. I hope the gentleman will permit me to more fully discuss this case and explain just what my amendment will accomplish.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Missouri [Mr. ROACH].

Mr. ROACH. Mr. Chairman, I ask for five additional minutes in which to discuss my amendment.

The CHAIRMAN. The gentleman from Missouri asks unanimous consent to proceed for five additional minutes. Is there objection?

Mr. JOHNSON of Washington. I am sorry, but I must object.

The CHAIRMAN. Objection is heard. The question is on the amendment offered by the gentleman from Missouri [Mr. ROACH].

The amendment was rejected.

Mr. BURTON. Mr. Chairman, I move to strike out the last three words of subsection (b).

The CHAIRMAN. The gentleman from Ohio moves to strike out the last three words of subsection (b) and is recognized for five minutes.

Mr. BURTON. Mr. Chairman and gentlemen of the committee, this section offers an unnecessary affront to a great and friendly people. It must not be understood that in anything I shall say I favor opening the gates for the admission of Japanese immigrants. I should favor instead the strict and even drastic enforcement of restrictive laws against them. That is not because of any disparagement of the Japanese, for in the last fifty or sixty years they have made greater progress than any other nation under the sun, both in the improvements of modern life and in political power. But they are of a different race and in a measure uncongenial to our civilization; they have a different form of government; they have different traditions and ideals, reaching back through thousands of years, and they have a different standard of living.

But what is sought to be accomplished by this section and by this bill can be attained in a less offensive and more effective way, namely, by a recognition of the present situation and by dealing with them under the general provisions of this bill.

We have at this time a treaty with Japan, and an agreement, initiated during the administration of President Roosevelt, and familiarly known as a "gentlemen's agreement." According to this pending measure, 2 per cent of the number of nationals of each foreign country residing in this country in 1890 can be admitted each year. This is the so-called quota of 1890. Only 46 immigrants would be admitted from Japan into the United States per year. That number certainly is not dangerous. Of course, there are those in addition called nonquota immigrants, who, under the terms of the pending bill would be admitted from Japan as well as from other countries. Under the arrangement, or the agreement, which now exists we have the cooperation of Japan in excluding Japanese immigrants of certain classes, and regulation upon all. There must be a passport from Japan, and there is a further fact which I will state to the committee, when one of that race seeks to come to the United States he must apply to the municipal or prefectural authorities; the possibility of his becoming a public charge is investigated and his right to migrate to the United States is not granted until there is a satisfactory showing. Then there must be a visé from the American consul in Japan. Now, if you wipe out that agreement you have lost the cooperation of the Japanese in preventing immigration into this country, and the condition which would be created would be much worse than the present.

I need not say to you that we are now on as friendly terms with Japan as with any nation in the world.

Here we are, one on one side of the Pacific and the other on the other, and for the future peace of the world, for our own freedom from attack, and for the avoidance of friction, it is absolutely essential that we should maintain friendly relations with that country. Friendly relations rest not merely upon maintaining justice or on maintaining fairness but in careful regard for the susceptibilities and feelings of a people. This provision would give the most grievous offense, and it is unnecessary. The object sought to be obtained can be obtained more readily in other ways which would involve no friction and create no unfriendliness. The Secretary of State has set forth the dangers of this provision and has outlined the possibilities which may arise from it. He has set forth even more fully the fact that we now have an efficient and proper means for carrying out the object of this bill. The following are extracts from a communication from Secretary Hughes and the recent correspondence between the Japanese ambassador and the Secretary. It should be noted the several clauses of the bill have been modified since the letter of Secretary Hughes was written to the Committee on Immigration:

[Extract from letter of Secretary Hughes]

It is apparent that section 12, subdivision (b), taken in connection with sections 3 and 4 of the proposed measure, operates to exclude Japanese. This is inconsistent with the provision of the treaty of 1911 above mentioned, and with respect to those defined as immigrants who do not come within the treaty, it establishes a statutory exclusion.

So far as the latter class is concerned, the question presented is one of policy. There can be no question that such a statutory exclusion will be deeply resented by the Japanese people. It would be idle to insist that the provision is not aimed at the Japanese, for the proposed measure (sec. 25) continues in force the existing legislation regulating Chinese immigration and the barred-zone provisions of our immigration laws which prohibit immigration from certain other portions of Asia. The practical effect of section 12 (b) is to single out Japanese immigrants for exclusion. The Japanese are a sensitive people, and unquestionably would regard such a legislative enactment as fixing a stigma upon them. I regret to be compelled to say that I believe such legislative action would largely undo the work of the Washington Conference on Limitation of Armament, which so greatly improved our relations with Japan. The manifestation of American interest and generosity in providing relief to the sufferers from the recent earthquake disaster in Japan would not avail to diminish the resentment which would follow the enactment of such a measure, as this enactment would be regarded as an insult not to be palliated by any act of charity. It is useless to argue whether or not such a feeling would be justified; it is quite sufficient to say that it would exist. It has already been manifested in the discussion in Japan with respect to the pendency of this measure, and no amount of argument can avail to remove it.

The question is thus presented whether it is worth while thus to affront a friendly nation with whom we have established most cordial relations and what gain there would be from such action. Permit me to suggest that the legislation would seem to be quite unnecessary even for the purpose for which it is devised. It is to be noted that if the provision of subdivision (b) of section 12 were eliminated and the quota provided in section 10 of the proposed measure were to be applied to Japan, there would be a total of only 246 Japanese immigrants entitled to enter under the quota as thus determined. That is to say, this would be the number equal to 2 per cent of the number of residents in the United States as determined by the census of 1890 plus 200. There would remain, of course, the nonquota immigrants, but if it could possibly be regarded that the provisions of section 4 would unduly enlarge the number admitted, these provisions could be modified without involving a statutory discrimination aimed at the Japanese. We now have an understanding with the Japanese Government whereby Japan undertakes to prevent the immigration of laborers from Japan to the United States except the parents, wives, and children of those already resident here. Furthermore, the Japanese Government, incidentally to this undertaking, now regulates immigration to territory contiguous to the United States with the object of preventing the departure from Japan of persons who are likely to obtain surreptitious entry into this country.

If the provision of section 12 (b) were to be deleted and the provision in regard to certificates for immigrants to this country were to become applicable to Japan, we should with the present understanding with the Japanese Government be in a position to obtain active cooperation by the Japanese authorities in the granting of passports and immigration certificates. We could in addition be assured that the Japanese Government would give its assistance in scrutinizing and regulating immigration from Japan to American territory contiguous to the United States. It is believed that such an arrangement involving a double control over the Japanese quota of less than 250 a year would accomplish a much more effective regulation of unassimilable and undesirable classes of Japanese immigrants than it would be practicable for us, with our long land frontier lines on both north and south, to accomplish by attempting to establish a general bar against Japanese subjects to the loss of cooperation with the Japanese Government in controlling the movement of their people to the United States and adjacent territories.

I am unable to perceive that the exclusion provision is necessary and I must strongly urge upon you the advisability, in the interest of our international relations, of eliminating it. The Japanese Government has already brought the matter to the attention of the Department of State and there is the deepest interest in the attitude of Congress with respect to this subject.

[Letter from Ambassador Hanihara]

JAPANESE EMBASSY,
Washington, April 10, 1924.

Hon. CHARLES E. HUGHES,
Secretary of State.

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 trust 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 persons. 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 investigation 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 are further exercising strict control over immigration 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 123 and 126, 121, and 124 and 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, the 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 Japanese 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 evidence 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 asks 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 Japanese 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.

[Letter of Secretary Hughes to Ambassador Hanihara]

APRIL 10, 1924.

His Excellency Mr. MASANAO HANIHARA,
Japanese Ambassador.

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, Mar. 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 immigration 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 betwen 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 my present reply to the chairman of the appropriate committees of the two Houses of Congress.

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

CHARLES E. HUGHES.

Mr. BURTON. Both of the above letters have been transmitted to the Senate.

The course of Japan since the agreement was made gives assurance that there will be no difficulty in reaching an amicable settlement which will satisfy the advocates of restriction. At the very outset Japan agreed to check migration of laborers to the United States. Anyone who has seen the coolies of Japan or China will feel that they ought not to be admitted here. The agreement which originally applied only to continental United States was extended so as to apply to the Hawaiian Islands. Japan has established more careful control over the migration to foreign territory contiguous to the United States. In this rests the greatest danger of unlawful entry and with the cooperation of the Japanese removed the number surreptitiously entering this country would no doubt be very largely increased.

The ambassador clearly expresses the opinion of his Government when he states that he does not question the sovereign right of any country to regulate immigration to its own territories, and further, that it is not the desire of the Japanese to send their nationals to countries where they are not wanted.

I do not expect, Mr. Chairman, to ask a vote upon this provision. This question is pending in the Senate. The Senate has a larger share in our foreign relations; they are in closer touch with this question; and I am not intending to ask for a vote for the striking out of this section, but I do wish to utter here most emphatically my protest against this offensive section; and before this measure becomes a law and goes to the President for his approval I trust either this whole section will be stricken out or that it may be modified so as to relieve it of its objectionable features.

With the greatly enlarged importance of our international relations and with a keen regard for our duties to the rest of the world, it is time for us to consider the injunction of Washington in his Farewell Address:

Observe good faith and justice toward all nations. Cultivate peace and harmony with all. Religion and morality enjoin this conduct, and can it be that good policy does not equally enjoin it?

The CHAIRMAN. The pro forma amendment is withdrawn.

Mr. JOHNSON of Washington. Mr. Chairman, I move that all debate on this section and on all amendments thereto do now close.

The motion was agreed to.

The Clerk read as follows:

OFFENSES IN CONNECTION WITH DOCUMENTS

SEC. 22. (a) Any person who knowingly (1) forges, counterfeits, alters, or falsely makes any immigration certificate, landing card, or permit, or (2) uses, attempts to use, possesses, obtains, accepts, or receives any immigration certificate, landing card, or permit, knowing it to be forged, counterfeited, altered, or falsely made, or to have been procured by means of any false claim or statement, or to have been otherwise procured by fraud or unlawfully obtained; or who, except under direction of the Secretary or other proper officer, knowingly (3) possesses any blank immigration certificate or permit, (4) engraves, sells, brings into the United States, or has in his control or possession any plate in the likeness of a plate designed for the printing of immigration certificates, landing cards, or permits, (5) makes any print, photograph, or impression in the likeness of any immigration certificate, landing card, or permit, or (6) has in his possession a distinctive paper which has been adopted by the Secretary for the printing of immigration certificates, landing cards, or permits, shall, upon conviction thereof, be fined not more than $10,000 or imprisoned for not more than five years, or both.

(b) Any individual who (1) when applying for an immigration certificate or permit, or for admission to the United States, personates another, or falsely appears in the name of a deceased individual, or evades or attempts to evade the immigration laws by appearing under an assumed or fictitious name, or (2) sells or otherwise disposes of, or offers to sell or otherwise dispose of, an immigration certificate, landing card, or permit, to any person not authorized by law to receive such document, shall, upon conviction thereof, be fined not more than $10,000 or imprisoned for not more than five years, or both.

(c) Whoever knowingly makes under oath any false statement in any application, affidavit, or other document required by the immigration laws or regulations prescribed thereunder, shall, upon conviction thereof, be fined not more than $10,000 or imprisoned for not more than five years, or both.

Mr. JOHNSON of Washington. Mr. Chairman, I have four committee amendments to present for the purpose of perfecting the text, which I think might be considered en bloc.

The CHAIRMAN. The gentleman from Washington offers four committee amendments and asks unanimous consent that they may be considered en bloc. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the committee amendments.

The Clerk read as follows:

Committee amendments offered by Mr. JOHNSON of Washington: Page 28, line 23, before the word "uses," insert the word "utters" and a comma.

Page 29, lines 5 and 6, strike out the words "immigration certificate or."

Page 29, line 9, strike out the words "immigration certificates" and the comma following such words.

Page 29, line 23, after the comma, insert the words "or utters" and a comma.

The CHAIRMAN. The question is on agreeing to the committee amendments offered by the gentleman from Washington.

The committee amendments were agreed to.

Mr. SABATH. Mr. Chairman, I move to strike out the last word. I fully appreciate, it matters not what I say, because a vote has been taken on the last and most important provision, nevertheless I feel it is my duty to call your attention to a few matters that have been stated on the floor. The gentleman from Tennessee a few moments ago stated that we had the right to discriminate, and I think the gentleman from Minnesota has stated the same thing. I never denied the fact——

Mr. RAKER. Will the gentleman yield?

Mr. SABATH. No; I can not.

Mr. RAKER. Then a point of order.

Mr. SABATH. All right, make your point of order.

Mr. RAKER. I will withdraw it and let the gentleman talk.

Mr. SABATH. I never maintained that the House has not the right to discriminate. Sure, it has the right to do as it pleases, and it did discriminate; but I also wish to call your attention to the remarks made by the gentleman from Texas, who is trying to make you believe that we were trying to discriminate against Mexico. I never did. I always maintained that we should treat Mexico and Canada in the same way that we treat any other nation and put them under the quota.

I fully realize that the people in Texas do need laborers from Mexico, and I remember the time when an honest effort was made by business men who needed labor that the gentleman from Texas, a member of the committee, opposed the effort on the part of his fellow countrymen, but they are coming now and there is nothing in this bill to stop them.

The gentleman from California [Mr. RAKER] has given you certain statistics prepared by a gentleman or a committee under the jurisdiction of the Commonwealth Club of California; but, unfortunately, the gentleman did not give you all the facts. If he had gone a little further he would have been obliged to state that these compilations show that the increase of population of the United States in the last 10 years was the smallest since the history of our country, namely, the increase was only 14.9 per cent, as against increases from 21 per cent up to 33 per cent.

To give you full information I insert an extract and the table in the booklet of the Commonwealth Club of California, from which the gentleman from California did not quote fully:

NO TRACES IN THE CENSUS

The following table brings together the best available figures of population from the date of the first European settlements to the

present. The figures before 1790 are based on occasional colonial censuses and the studies of historians. The population at each decade has been calculated separately for each colony. (See "A Century of Population Growth," pp. 9–10.)

Census Bureau's estimates from available data

	Population	Immigrants preceding decade	Per cent increase of population
1610	210	No data.	----------
1620	2,499	No data.	1090.0
1630	5,700	No data.	128.1
1640	27,947	No data.	390.3
1650	51,700	No data.	85.0
1660	84,800	No data.	84.0
1670	114,500	No data.	35.0
1680	155,600	No data.	35.9
1690	213,500	No data.	37.2
1700	275,000	No data.	28.8
1710	357,500	No data.	30.0
1720	474,388	No data.	32.7
1730	654,950	No data	38.1
1740	889,000	No data.	35.7
1750	1,207,000	No data.	25.8
1760	1,610,000	No data.	33.4
1770	2,205,000	No data.	37.0
1780	2,781,000	No data.	26.1
U. S. CENSUS FIGURES			
1790	3,929,625	No data.	41.3
1800	5,308,483	50,000	35.1
1810	7,239,881	100,000	36.4
1820	9,638,453	100,000	33.1
1830	12,866,020	151,824	33.5
1840	17,069,453	599,125	32.7
1850	23,191,876	1,753,274	35.9
1860	31,443,321	2,571,036	35.6
1870	38,558,371	2,377,279	22.6
1880	50,189,209	2,852,191	30.2
1890	62,979,766	5,246,613	25.5
1900	76,303,387	3,687,564	21.2
1910	91,972,266	5,800,000	21.0
1920	105,710,630	3,588,817	14.9

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

Mr. SABATH. Yes; I yield to the gentleman.

Mr. BANKHEAD. Does not the gentleman think it fair to draw the deduction that that decrease in the ordinary ratio was caused by the World War being in existence and stopping the ordinary tide of immigration into this country.

Mr. SABATH. No; the percentage has been decreasing right along.

The gentleman from West Virginia has quoted from Washington's Farewell Address. I know I will not have the time to quote the entire address. However, I desire to call your attention to at least a paragraph.

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

Mr. SABATH. Knowing it will not do any good to read it to-day, I will insert it in the RECORD, hoping in the near future you gentlemen will read it before the bill will be called up again for passage in the form of conference report.

Mr. JOHNSON of Washington. Mr. Chairman, I move that debate on this section and all amendments thereto do now close.

The motion was agreed to.

Mr. DICKSTEIN. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. DICKSTEIN. Is it the purpose of the chairman to cut everyone off? This is about the third time I have tried to get recognition as a member of the committee, and it seems that either the Chair can not see me or the Chair does not want to recognize the request that I make to be recognized.

The CHAIRMAN. The Chair will state to the gentleman, in the first place, he has not stated a parliamentary inquiry, but the Chair will state to the gentleman for his information that when the chairman of the committee is seeking recognition for the purpose of moving to close debate he is entitled to recognition as against another member of the committee who seeks recognition to debate.

Mr. DICKSTEIN. That is what I wanted cleared up.

The CHAIRMAN. If the gentleman has an amendment to offer, he is not precluded from offering his amendment by the closing of debate.

The Clerk read as follows:

SEC. 23. In any proceeding under the immigration laws the burden of proving the right of any individual to enter or remain in the United States shall, as between him and the United States, be upon such individual.

With the following committee amendment:

Page 30, line 11, strike out the word "individual" and insert in lieu thereof the word "alien"; and on page 30, line 13, strike out the word "individual" and insert in lieu thereof the word "alien."

The CHAIRMAN. The question is on the committee amendment.

The question was taken, and the committee amendment was agreed to.

Mr. BEGG and Mr. NELSON of Wisconsin rose.

The CHAIRMAN. For what purpose does the gentleman from Ohio rise?

Mr. BEGG. To offer an amendment.

The CHAIRMAN. Is it a perfecting amendment?

Mr. BEGG. It is to strike out the paragraph and to substitute another one for it.

The CHAIRMAN. The gentleman is recognized for that purpose, and the Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. BEGG: Page 30, lines 10 to 13, inclusive, strike out section 23, and in lieu thereof insert the following:

"SEC. 23. Whenever any alien attempts to enter the United States the burden of proof shall be upon such alien to establish that he is not subject to exclusion under any provision of the immigration laws; and in any deportation proceeding against any alien the burden of proof shall be upon such alien to show that he entered the United States lawfully, and the time, place, and manner of such entry into the United States, but in presenting such proof he shall be entitled to the production of his immigration certificate, if any, or other documents concerning such entry in the custody of the Department of Labor."

Mr. BEGG. Mr. Chairman and gentlemen of the committee, I believe this amendment will meet the approval of both the proponents and the opponents of this bill. I want to call attention to section 23 and the way it is drawn. It can cause trouble for every alien in the United States. The intent of the bill and the intent of this legislation is not to deal with the men and women who are already within the country, but is to regulate the flow of the new immigrants. My amendment, if adopted, puts the burden of proof of their desirability and their qualification for entrance into the country on the immigrant squarely, and that is where it belongs; but this particular paragraph as drawn places that burden upon any man or woman that has already been admitted, even for four and a half years. If any official or other person for any reason wants to summon them before any immigration official, they can put the burden of proof on that man or woman who has already resided here for four or five years, maybe, within 30 days of the time of getting their final papers. They would have the burden of proof upon them to prove their desirability to remain and qualify.

Mr. LAGUARDIA. Will the gentleman yield?

Mr. BEGG. In just one moment. Such a procedure, I will submit to all, is contrary to the practice and the basic principles of the United States in guaranteeing everybody, when accused of any crime, the right of a supposition of innocence until they are proven guilty.

If my amendment is adopted, the provision does not apply to residents here but applies to men outside the gates. When they want to get in then it is up to them to prove that they are fit to be admitted.

Mr. LAGUARDIA. The gentleman's amendment puts the burden on the immigrant when he wants to come in, whereas now it is on the Government.

Mr. MILLER of Washington. Is it not a fact that a citizen of the United States in order to exercise his right to vote takes the burden on himself to prove that he has that right.

Mr. BEGG. Certainly.

Mr. MILLER of Washington. Then why do you except aliens now residing here?

Mr. BEGG. There is no burden on the citizen except to show his age.

Mr. MILLER of Washington. He must show his birthplace and the date of his birth——

Mr. BEGG. Let me ask the gentleman if it is not contrary to the American idea of justice to hale a man up before the bar of justice and make him prove that he is innocent of the charge against him?

Mr. MILLER of Washington. It is not the guilt or innocence, it is the right of a man to remain in this country. To your question I will say yes; it is right.

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

Mr. BEGG. I ask for two minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. BEGG. The man's presence in the United States is all the evidence that is required to-day to be conclusive proof that he is entitled to be here unless the Government of the United States can show that he is an alien smuggled into this country. I do not believe the American people want to adopt that idea.

Mr. MILLER of Washington. That is not all of it.

Mr. BEGG. That is all that enters into this amendment.

Mr. MILLER of Washington. I assert that I am a certain number of years of age, and the burden is on me to show that I am eligible to a seat in the House of Representatives.

Mr. BEGG. Were you called upon to furnish documentary evidence to your governor of that fact?

Mr. MILLER of Washington. No, sir.

Mr. BEGG. Certainly not. It is contrary to the idea of every American citizen to challenge every statement that the citizen makes and say you are guilty until you are proved innocent.

Mr. VAILE. When you vote do you have to prove that you have not stolen any money or you have not committed murder?

Mr. BEGG. Oh, no.

Mr. VAILE. But he does have to prove that he is 21 years of age.

Mr. NELSON of Wisconsin. Mr. Chairman, I have prepared two amendments, one to strike out the section and the other, if that fails, to strike out the words "or remain." I appeal to the House. I am for this bill. I have uniformly been for immigration bills, but let us not do an injustice.

Mr. JOHNSON of Washington. If the gentleman will yield, I would like to say, in order to save time in debate, that as far as I am personally concerned, and I think some other members of the Immigration Committee are also quite willing, I will agree to the substitute that has been offered. I will take the opportunity to say in the gentleman's time that inasmuch as a great majority of the Members of the House have so firmly stood by the committee and all the provisions of the bill that when I find a provision being challenged from a constitutional standpoint, and from the viewpoint that as written it may be dangerous, I am willing to take a more modified provision in the hope that we are playing fair with all hands. We have no animosities. This House, I know, does not want to press down too hard.

Mr. RAKER. I want to say that I do not accept it. This provision has been agreed to by the committee.

Mr. NELSON of Wisconsin. Men who are in favor of restricted immigration, men who love their country, fail to see any justice in this provision subjecting five or six million aliens who have come here with the assurance that they would be held innocent until proved guilty. Under this provision in the bill they can be accused and be subjected to all sorts of dangers and embarrassments. I would like to have the letter read which I send to the Clerk's desk.

The CHAIRMAN. The gentleman from Wisconsin asks unanimous consent that the letter be read. Is there objection?

There was no objection.

The Clerk read as follows:

THE UNIVERSITY OF WISCONSIN,
DEPARTMENT OF ECONOMICS,
Madison, March 18, 1924.

Hon. JOHN M. NELSON,
House of Representatives, Washington, D. C.

DEAR SIR: I wish to express my amazement at section 23 of H. R. 6540, introduced by Congressman ALBERT JOHNSON of Washington. In it it appears that the burden of proving one's right to remain in the United States is upon the individual himself. I can not see but that this would place every individual of our 14,000,000 foreign born under the necessity of proving his right to remain if any charge against him justifying deportation were made by any native. In its possibilities this appears to be one of the most monstrous clauses that I have ever perceived in any bill. I presume that it is an oversight, but certainly one that needs to be corrected.

Very sincerely yours, E. A. ROSS.

Mr. NELSON of Wisconsin. He is one of the most noted men in sociology in the United States, was president of the National Economic Association, and a man of such prominence in his field that former President Roosevelt wrote the preface or introduction to one of his books. The following is taken from Who is Who in America:

LIBRARY OF CONGRESS,
REPRESENTATIVES' READING ROOM,
Washington, D. C.

Edward Alsworth Ross, sociologist; b. St. Virgen, Ill., Dec. 12, 1866; s. William Carpenter and Rachel (Alsworth) R.; A. B. Coe Coll. Ia. 1886; U. of Berlin, 1888–9; Ph. D. John Hopkins; 1891; (LL. D., Coe, 1911); m. Rosamond C. Simons, of Washington, June 16, 1892. Prof. economics Ind. U., 1891–2; asso. prof polit. economy and finance, Cornell, 1892–3; prof. sociology, Leland Stanford, Jr. U. 1893–1900. U. of Neb. 1901–6, U. of W. since 1906. Lecturer on sociology, Harvard, 1902, U. of Chicago, 1896, 1905. Pres. Am. Econ. Assn. 1892–3; advisory editor Am. Journal of Sociology, since 1895; Sin and Society, 1907; Social Psychology, 1908; Latter Day Sinners and Saints, 1910; The Changing Chinese, 1911; Changing America, 1912; The Old World in the New, 1914; South of Panama, 1915; Russia in Upheaval, 1918; What is America? 1919; The Principles of Sociology, 1920; The Russian Bolshevik Revolution, 1921, Contributor of numerous articles to econ. and social. journals and lit. periodicals. Home: Madison, Wis.

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

Mr. ROBSION of Kentucky. Mr. Chairman, I have not taken any time under the reading of this bill, and I ask unanimous consent to proceed for six minutes out of order.

The CHAIRMAN. The gentleman from Kentucky asks unanimous consent to proceed out of order for six minutes. Is there objection?

Mr. SABATH. Mr. Chairman, this is a very important amendment. I would like to have the amendment disposed of.

Mr. RAKER. Mr. Chairman, reserving the right to object, I took five minutes to speak on one of the most vital provisions of the bill, which would cause an enforcement of the law, but the House wanted to vote, and I yielded my time.

Mr. ROBSION of Kentucky. I have not spoken on the bill under the five-minute rule.

Mr. RAKER. I shall not object.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. ROBSION of Kentucky. Mr. Chairman, it is my purpose in rising to correct the RECORD, but more especially to correct the gentleman from New York [Mr. LAGUARDIA]. I have always had great admiration for the great universities, public school system, the great industrial enterprises, commercial institutions, and illustrious men and women of the State of New York. It is properly named "The Empire State." I can not understand how any Representative of that great State would go out of his way to utter the vicious, contemptible slander against the mountain people of Kentucky and the State of Kentucky on the floor of the House, when I was necessarily absent on official duties. I shall not charge this misrepresentation to the State of New York. The gentleman from New York stated directly and by insinuation that we had no schools in the highlands of Kentucky, the people were on starvation, aliens could not learn or see any examples of law and order, and they would not have opportunity to learn much of our American institutions or Americanism.

SPLENDID SCHOOLS

In the great eleventh congressional district of Kentucky there are 9 splendid colleges and institutes. There are about 25 A–1 high schools, recognized as such by all the authorities and institutions of learning in this country. Every community has its public school. We have not yet reached our goal in matters of education, but we are striving onward and upward every day. Many of the young men and women out of these schools take their places at the heads of the leading institutions of learning of the Nation. I remember that in a single year five young men and women of my home county took the highest honors at five of America's leading universities.

HIGH STANDARD AMONG OUR WORKINGMEN

My so-called mountain district has railroads running in every direction with three great railroad shops. Our railroad men demand and receive the wages paid to the other railroad men of the country. There are produced in my district alone every year something like 20,000,000 tons of the very best soft coal, and we have some of the largest and best equipped coal mines in the world. One mine is so large and so well equipped that they can load 12 railroad cars of coal in five minutes.

The timber interests are very extensive and our people are engaged extensively in agriculture. Our workingmen will measure up and compare most favorably in intelligence, high moral character, and lofty patriotism to the workingmen or any other class of men in any other part of the Nation. We have no sweatshops. We have some poverty, but not squalor such as is found in the great city of New York. All of our working people are 100 per cent American and they stand as a unit for this, the Johnson bill. They know that unless the hordes of immigrants are checked and America ceases to be the "garbage can and dumping ground for the world" their wages will be reduced and living standards greatly lowered.

SOBER, HONEST, LAW-ABIDING PEOPLE

It is true that we have had some homicides in the highlands of Kentucky. These occur in all sections of the Nation. We regret that we have any such, but it is an outrageous slander for the gentleman from New York to say that an alien could not learn law and order or see examples of law and order in the highlands of Kentucky. There is not a more orderly and law-abiding people on the earth. While Kentucky and the mountains of Kentucky are strengthening the eighteenth amendment and other laws, we find the great State of New York repealing its law-enforcement code. The people in my home town more than 40 years ago voted out liquor and the saloons. They believed then and still believe that liquor and the saloons are the enemies of the schools, the churches, and the homes. It was voted out in every county of my district more than 20 years ago, and I doubt if as many—and I am sure that no more—teetotal abstainers can be found in any section of the country. There is about as much difference in my district and the gentleman's district from New York City, according to my information, as there is between the Sahara Desert and the Atlantic Ocean. Anyone may travel anywhere through the mountains of Kentucky, day or night, without the least fear of molestation. It is true that men fall out sometimes and kill each other, but we do not have any murders for robbery on the part of our own natives.

In practically every instance in which this occurs, the crime is committed by some one who has come to us from other sections. We do not have any "black-hand" organizations. You can not hire a man killed for a few paltry dollars. We have no Tong wars. We have no buildings blown up with dynamite and innocent lives taken. We have no bank robberies, or cashiers or messengers murdered, either in the daytime or the nighttime. I would make no reference to these things but for the unfair and baseless charge made by the gentleman from New York against a law-abiding, God-fearing, liberty-loving, patriotic people. It is a joke for the gentleman from New York City to speak disparingly as to any part of our country.

DISTINGUISHED MEN

Two of the three last governors of the State of Kentucky, one a Democrat and the other a Republican, came from my mountain district. The present chief justice of Kentucky's highest court is from this same district. This same district furnished a member of the Supreme Court of the United States, a Cabinet officer, one of the greatest governors of the State of Missouri, a governor for the State of Montana, a distinguished Senator for the State of Illinois, and if time permitted I could extend this list of distinguished Americans. I love every inch of old Kentucky's soil and all of her people. Every section of Kentucky has furnished men and women who have distinguished themselves in every walk of life. What State of the galaxy of the 48 States has not furnished men and women who have shed luster on the pages of American history! However small or new they have wrought gloriously for the upbuilding of the Republic. Their splendid achievements excite no envy in my bosom. I overlook their shortcomings and proudly proclaim their virtues. We need them one and all. I like to think of the North, the South, the East, and the West as 110,000,000 Americans with one purpose, one mind, and one heart, marching on hand in hand to fulfill the destiny of this mighty Republic in the world.

A GLORIOUS PAST

We take great pride in our mountain people and our highlanders. When Jehovah wished to bring a great message to the world He selected a mountain. Has the gentleman forgotten Mount Horeb, Sinai, the Sermon on the Mount, the Mount of Transfiguration, or the Man who came from the hills of Gallilee? Has not the gentleman read the story of Switzerland, and the Scotch Highlanders? God's great revelations to man were declared from mountain tops. Political and religious freedom found their first expression in the highlands. It has been said that the hope of the perpetuity of our institutions lies south of Mason and Dixon's line, where we have the pure strain of the Anglo-Saxon stock; and if this be true, the backbone of this hope is in the highlands of West Virginia, Virginia, Kentucky, Tennessee, Georgia, North Carolina, and South Carolina. Here lives the purest strain of Anglo-Saxon blood. The Anglo-Saxon is fundamentally right on three great propositions—"The old-time religion," "A government by law," and "Individual rights of property"; yet the gentleman from New York tells the Congress of the United States that an alien could not learn anything about our institutions or our Americanism in the mountains of Kentucky.

Has not the gentleman read how our ancestors migrated from Virginia to Kentucky? How the sharpshooters from the mountains of Kentucky and Tennessee marched with that grand old hero, General Jackson, to New Orleans and gave the British such a "spanking" that they have never again attempted to put the yoke upon us? [Applause.] Has the gentleman not read the story of Zachary Taylor, Jefferson Davis, and many others from the foothills of Kentucky when they carried the Stars and Stripes to victory at Buena Vista, Monterey, and to the citadel of the Montezumas?

Does not the gentleman know that in many of those mountain counties about which he speaks more men entered the Union Army in defense of this Republic than there were voters in the county? The highlanders stood for the union. Does not the gentleman know that one of these mountain counties in my district oversubscribed its Liberty loan quota more times than any other county in the Nation, and another county led in its subscription to the Red Cross, and another county furnished more officers to its quota of soldiers than any other county in the Nation, and two mountain boys won the congressional medal of honor and the citations of the other allied governments for extraordinary bravery on the Flanders field? [Applause.]

Oh, yes; when Andrew Jackson and these mountaineers were upholding the flag of this country, conquering the wilderness and building this country, where were the gentleman's ancestors. The people of the mountains of Kentucky refuse to be lectured in patriotism and Americanism by the gentleman from New York. I am not attacking the gentleman from New York; I am resenting his attack.

The gentleman says an alien could not learn Americanism in the mountains of Kentucky. There is nothing but Americanism in the mountains. In the great city of New York groups of foreigners in recent years marched under the red flag of anarchy. There is no room in the mountains of Kentucky for the red flag. We know there but one country, one loyalty, and one flag. [Applause.]

The gentleman talks about not learning Americanism in the mountains. Why, Mr. Chairman and gentlemen, they helped to make the Constitution, the institutions, and the history of this country, and our people do not have to learn it. They were actors in the great drama. [Applause.]

They suckle their Americanism and their patriotism from their mother's breast and hear the story of the sacrifices and the struggles that made this Republic on their father's knee, and I resent the gentleman's insolent, infamous, contemptible slander against a great, honest, industrious, law-abiding, liberty-loving, God-fearing, patriotic people. [Applause.]

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

Mr. TEMPLE rose.

The CHAIRMAN. The gentleman from Pennsylvania is recognized.

Mr. LAGUARDIA. Mr. Chairman, I rise to a question of personal privilege.

The CHAIRMAN. The gentleman can not rise to a question of personal privilege when some other gentleman has the floor.

Mr. LAGUARDIA. Mr. Chairman, I ask unanimous consent to proceed for three minutes.

The CHAIRMAN. The gentleman from Pennsylvania has the floor.

Mr. TEMPLE. Mr. Chairman, I ask the attention of the chairman of the committee. There is a provision in one of the sections which has already been passed that any individual who, when applying for an immigration certificate or permit, or for admission to the United States, personates another, or falsely appears in the name of a deceased individual, or any individual who sells or otherwise disposes of, or offers to sell or otherwise dispose of, an immigration certificate, or commits various other offenses, shall be fined not more than $10,000 or imprisoned for not more than five years, or both. The point I have in mind is this: That offense will be committed in a foreign country, outside the jurisdiction of the United States; for instance, by a man who attempts to sell a permit which he has received at an American consulate in a foreign country.

Mr. JOHNSON of Washington. Not as to the permit. The permit is a document that is issued here in the United States.

Mr. TEMPLE. An immigration certificate?

Mr. JOHNSON of Washington. That is different.

Mr. TEMPLE. An immigration certificate is received on application from the consul?

Mr. JOHNSON of Washington. Yes.

Mr. TEMPLE. Who is doing business in a foreign country?

Mr. JOHNSON of Washington. Yes.

Mr. TEMPLE. If a foreigner in a foreign country commits an offense defined in this paragraph, how can we get him?

Mr. JOHNSON of Washington. We can not get him there.

Mr. TEMPLE. And if he comes to this country, can he then be punished for an offense committed while on foreign soil?

Mr. JOHNSON of Washington. I am not an international lawyer, but I would be inclined to doubt that he could be.

Mr. TEMPLE. Is it the intention that he shall be?

Mr. JOHNSON of Washington. It is the intention to go just as far as we can to prevent barter and sale in passports or any other documents of the United States anywhere in the world.

Mr. TEMPLE. With that I am in entire harmony; but I am calling attention to this so that it may be corrected, if it needs correction, and I am inclined to think that it does.

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

Mr. LAGUARDIA. Mr. Chairman, I ask unanimous consent to proceed for three minutes.

The CHAIRMAN. The gentleman from New York asks unanimous consent to proceed for three minutes. Is there objection?

Mr. CONNALLY of Texas. In order or out of order?

Mr. LAGUARDIA. Out of order.

The CHAIRMAN. No consent has been given to proceed out of order.

Mr. LAGUARDIA. I ask unanimous consent to proceed out of order for three minutes.

The CHAIRMAN. The gentleman from New York asks unanimous consent to proceed out of order for three minutes. Is there objection?

Mr. FREE. I object.

The CHAIRMAN. Objection is made to the gentleman proceeding out of order. The gentleman is recognized for three minutes.

Mr. LAGUARDIA. The gentleman does not mean to object? I ask unanimous consent to proceed out of order for three minutes.

Mr. FREE. I object.

Mr. LAGUARDIA. I thank the gentleman.

Mr. NEWTON of Minnesota. Mr. Chairman, I rise in opposition to the amendment. Section 23 puts the burden of proof upon the alien "in any proceeding under the immigration laws," as to both his entry and remaining in the United States. The gentleman from Ohio [Mr. BEGG] moves to amend by striking out section 23 and inserting in lieu a provision which retains only the provision as applied to the right to enter. His reasons are that the provision as drawn is repugnant to all principles of American jurisprudence. It must be borne in mind that this pertains to entry or deportation only. There is no question of criminal guilt to be determined. It is only the right first to enter and then to remain.

Mr. BEGG. Will the gentleman yield? I think the gentleman misunderstands the amendment.

Mr. NEWTON of Minnesota. No; I have read the amendment.

Mr. BEGG. This has nothing to do with the right of entry. It is only after they have entered.

Mr. NEWTON of Minnesota. The gentleman's amendment compels the alien to prove that he had a right under the law to enter. It does away with the provision which compels him to prove his right to remain, if he was lawfully entitled to enter. An alien following his arrival can be deported for certain conduct here in America. Under the provisions of the section as drawn, the burden of proof in any such proceeding of deportation would be upon the alien to establish his right to remain. This is a legal provision. My purpose is largely to call the attention of the House to the fact that there is now a provision in the Chinese exclusion act making it incumbent upon the Chinaman in any proceedings under the act to establish his right to remain here. The United States courts have held that provision to be valid. Now I, for one, do not feel that we ought to amend this provision at the present time simply upon a hurried consideration of the question.

Mr. MOORE of Virginia. If the gentleman will yield.

Mr. NEWTON of Minnesota. I will.

Mr. MOORE of Virginia. I was about to say with reference to what the gentleman stated that the Supreme Court has upheld a provision equivalent to this with reference to the exclusion of the Chinese.

Mr. NEWTON of Minnesota. It will be found in volume 259 of the United States Reports.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MILLS. Mr. Chairman and gentlemen of the committee, I dislike to take up the time of the committee in view of your apparent desire to dispose of the matter, but this particular amendment may mean in the future the saving of a great hardship to thousands and thousands of individuals. It is not just a question of legal technicality, it is a very practical question. A man comes here lawfully under this law, complies with every provision of this law, is lawfully admitted, and four years later or four and a half years later, just before he is prepared to become a citizen, some personal enemy makes specific charges against him that he has committed, let us say, a felony 10 years before in the country of his origin. Now as a practical matter how is that unfortunate individual going to submit affirmative proof that he was not guilty of such a crime as would exclude him?

Mr. BEGG. The amendment of the gentleman from Ohio does not require him to submit.

Mr. MILLS. I am speaking in support of the amendment in answer to my friend from Minnesota.

Mr. BEGG. I misunderstood the gentleman.

Mr. MILLS. What is the need of the passage of the amendment? What is the situation to-day? Why, if on examination before a commissioner if even a prima facie case is made out for deportation and the commissioner decides in favor of deportation, all that the courts will do is to review the case to see whether the man has had a fair hearing, and will not go into the question of the guilt or innocence; in other words, the courts leave much to the discretion of the commissioner, and as far as I know the situation to-day as it exists has given no cause for complaint, has disclosed no weakness in so far——

Mr. NEWTON of Minnesota. Will the gentleman yield?

Mr. MILLS. I can not yield further. In so far as the Government is concerned when it comes to its ability to deal with the cases of aliens who should be deported. Now before you commit a grave injustice, before you open wide the door of opportunity for possible injustice to thousands of individuals who may be subject to deportation owing to personal enmity or personal suspicion or unjust charges, I submit that at least a conclusive case should be presented to this House showing the need for a reversal of what we have always considered the basic principle of justice in this country, that each man is presumed to be not guilty but innocent until it is shown to the contrary. [Applause.]

Mr. RAKER. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman from California rise?

Mr. RAKER. To move to strike out the last three words. Mr. Chairman and gentlemen of the committee, in fairness to the committee and myself I feel as though I ought to say a few words on the amendment. The committee, after much consideration, adopted this section 23——

Mr. SABATH. The gentleman is in error, because I——

Mr. RAKER. Maybe the gentleman did not vote against everything——

Mr. JOHNSON of Washington. Mr. Chairman, I make the point of order that matters in the committee are being discussed.

Mr. RAKER. I did not say unanimously.

Mr. SABATH. You are just as wrong in this as on other things.

Mr. RAKER. I said unanimously considered—that is what I am intending to convey.

Mr. JOHNSON of Washington. Mr. Chairman, a point of order. I make the point of order.

The CHAIRMAN. The gentleman from Washington makes the point of order that matters in the committee are being discussed. The Chair sustains the point of order, and gentlemen will confine their remarks to something else.

Mr. RAKER. This matter was undoubtedly considered by the committee or it could not be here. That is certainly proper to state. Now, I have not said anything about how the committee voted, and I do not intend to.

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

Mr. RAKER. Yes.

Mr. WATKINS. It is true that 17 men signed this, approving this?

Mr. RAKER. Please do not interrupt me. Fifteen men have signed this majority report.

I find in a public document—which I can read—that the great lawyers of another body have adopted the same amendment; lawyers with national and international reputations. There is not a man on the floor of the House to-day—and there are many brilliant lawyers here—who has raised his voice and said that this is unconstitutional, and I know they will, none of them, raise their voices and say that. The Supreme Court of the United States within the last month, affirming the Chinese act, has held that it is not unconstitutional. The great lawyers in the United States, in litigation respecting the Volstead Act, are trying to hold it unconstitutional—and there you charge a man with a crime under the Volstead Act, and

the burden is upon him. There are a dozen statutes on the books that hold that the burden of proof is on the accused party.

I want to read a section of the Chinese exclusion law on page 493, volume 180. This is the act providing that—

any Chinese person or person of Chinese descent arrested under the provisions of this act, or the acts hereby extended, shall be adjudged to be unlawfully within the United States unless such person shall establish, by affirmative proof to the satisfaction of such justice, judge, or commissioner, his lawful right to remain in the United States.

Mr. MILLER of Washington. Mr. Chairman, will the gentleman yield to me for just a short question?

Mr. RAKER. In a moment. That declaration has been approved and affirmed as a proper legal declaration by the Supreme Court of the United States. I have before me one of the latest cases—and there are at least half a dozen others—showing that deportation is not a criminal proceeding; it is a civil proceeding, and therefore the law relative to charging one with crime never applies in a deportation proceeding. This is the last enunciation by the Supreme Court of the United States.

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

Mr. RAKER. May I speak five minutes longer?

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

There was no objection.

Mr. MILLER of Washington. Mr. Chairman, will the gentleman yield?

Mr. RAKER. Yes.

Mr. MILLER of Washington. I wish to ask this question: A man smuggles himself across the frontier. He is accused of being unlawfully in the United States. He folds his arms and remains silent.

Mr. RAKER. Yes; the gentleman from Washington is right. There are two provisions in section 23 (1). There is no one who claims that the burden of proof is on the man who seeks the right to enter the United States. That is unquestioned. The second provision concerns those who are in the United States when proceedings are sought to deport them. The testimony before the committee shows and the Secretary of Labor has said that within the last year alone over 300,000 men had entered the United States unlawfully. You start a proceeding for deportation, and the United States must prove under this act and under the law that he is an alien. Then this court says here, "The man shall not stand mute, but you can compel him to testify." Under this provision he would have to testify. And why? He was in the United States, and you can get the record of every port of entry in the United States, and then if he has overcome the burden of proof he is entitled to remain.

There is not a lawyer within the sound of my voice but realizes and knows that you can not deport a man by charging that he has committed a crime. You have got to prove the crime and get an adjudication by the court, and then the certified copy of the adjudication of the court proves the allegation.

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

Mr. RAKER. Yes; I yield to the gentleman from New York.

Mr. LAGUARDIA. It is not necessary to prove and convict him if it is alleged that he has committed a crime.

Mr. RAKER. Yes. I say, without fear of contradiction, that a man can not be deported from the United States without a judgment of conviction, and that judgment of conviction must be final; and in addition to that he must remain in jail until he has served his sentence, and after he has served his sentence he may be deported.

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

Mr. RAKER. Yes; I yield to the gentleman.

Mr. WEFALD. As the bill now stands, must not an immigrant coming into this country bring with him his prison record, if he has one?

Mr. RAKER. Yes.

Mr. WEFALD. What more do you want?

Mr. RAKER. That he himself would do exactly what this bill requires. He has his record. Let him show it. He has no right to stand mute.

Mr. Chairman, I yield back the remainder of my time. [Applause and cries of "Vote!"]

Mr. JOHNSON of Washington. Mr. Chairman, I move that all debate on the section, all amendments thereto, and all amendments offered as a new section or sections do now close.

The motion was agreed to.

The CHAIRMAN. The debate is closed.

Mr. BEGG rose.

The CHAIRMAN. For what purpose does the gentleman from Ohio rise?

Mr. BEGG. I ask unanimous consent that the amendment that I offered be read again.

The CHAIRMAN. Without objection, the Clerk will again report the amendment offered by the gentleman from Ohio.

The Clerk read as follows:

Amendment offered by Mr. BEGG: Page 30, lines 10 to 13, inclusive, strike out section 23, and in lieu thereof insert the following:

"SEC. 23. Whenever any alien attempts to enter the United States the burden of proof shall be upon such alien to establish that he is not subject to exclusion under any provision of the immigration laws; and in any deportation proceeding against any alien the burden of proof shall be upon such alien to show that he entered the United States lawfully, and the time, place, and manner of such entry into the United States, but in presenting such proof he shall be entitled to the production of his immigration certificate, if any, or other documents concerning such entry in the custody of the Department of Labor."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Ohio [Mr. BEGG].

The question was taken; and on a division (demanded by Mr. BEGG) there were—ayes 121, noes 111.

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

Tellers were ordered; and the Chairman appointed as tellers Mr. JOHNSON of Washington and Mr. RAKER.

The committee again divided; and the tellers reported—ayes 140, noes 131.

So the amendment was agreed to.

Mr. JOHNSON of Washington. Mr. Chairman, I move that the committee do now rise and report the bill back to the House with the amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. 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 directed him to report the same back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The SPEAKER. The previous question is ordered on the bill and amendments to final passage. The first vote will come upon the amendments. Is a separate vote demanded on any amendment?

Mr. RAKER. Mr. Speaker, I ask a separate vote on section 23.

The SPEAKER. Is a separate vote demanded on any other amendment? If not, the Chair will put them en gross. The question is on agreeing to the amendments.

The amendments were agreed to.

The SPEAKER. The Clerk will report the amendment on which a separate vote is demanded.

The Clerk read as follows:

Amendment offered by Mr. BEGG: Page 30, lines 10 to 13, inclusive, strike out section 23, and in lieu thereof insert the following:

"SEC. 23. Whenever any alien attempts to enter the United States the burden of proof shall be upon such alien to establish that he is not subject to exclusion under any provision of the immigration laws; and in any deportation proceeding against any alien the burden of proof shall be upon such alien to show that he entered the United States lawfully, and the time, place, and manner of such entry into the United States, but in presenting such proof he shall be entitled to the production of his immigration certificate, if any, or other documents concerning such entry, in the custody of the Department of Labor."

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

The question was taken; and on a division (demanded by Mr. JOHNSON of Washington) there were—ayes 127, noes 128.

Mr. BEGG. I ask for the yeas and nays, Mr. Speaker.

The yeas and nays were ordered.

The question was taken; and there were—yeas 198, nays 193, answered "present" 1, not voting 40, as follows:

YEAS—198

Ackerman	Black, N. Y.	Burtness	Cleary
Aldrich	Bloom	Burton	Cole, Iowa
Andrew	Boies	Butler	Cole, Ohio
Bacharach	Boyce	Campbell	Colton
Bacon	Boylan	Carew	Connery
Barbour	Brand, Ohio	Casey	Cooper, Wis.
Beck	Britten	Celler	Cramton
Beedy	Browne, N. J.	Chindblom	Croll
Beers	Browne, Wis.	Christopherson	Crosser
Begg	Brumm	Clague	Crowther
Berger	Buckley	Clancy	Cullen
Bixler	Burdick	Clarke, N. Y.	Cummings

Dallinger	James	Nelson, Wis.	Speaks
Darrow	Johnson, Wash.	Newton, Mo.	Sproul, Ill.
Dickstein	Keller	Nolan	Stalker
Doyle	Kelly	O'Brien	Stengle
Dyer	Kiess	O'Connell, N. Y.	Stephens
Eagan	Kindred	O'Connell, R. I.	Strong, Pa.
Edmonds	King	O'Sullivan	Sullivan
Elliott	Kurtz	Oliver, N. Y.	Summers, Wash.
Evans, Mont.	Kvale	Patterson	Sweet
Fairchild	LaGuardia	Peavey	Swoope
Fenn	Lampert	Perlman	Taber
Fish	Larson, Minn.	Philips	Tague
Fitzgerald	Leatherwood	Prall	Taylor, Tenn.
Fleetwood	Leavitt	Quayle	Temple
Foster	Lehlbach	Ramseyer	Thatcher
Frear	Lindsay	Ransley	Thompson
Freeman	Longworth	Rathbone	Tilson
French	Luce	Reece	Timberlake
Fuller	McLaughlin, Mich	Reid, Ill.	Treadway
Gallivan	McLeod	Roach	Underhill
Geran	McNulty	Rogers, Mass.	Vaile
Gifford	McSweeney	Rogers, N. H.	Vare
Glatfelter	MacGregor	Rosenbloom	Vincent, Mich.
Graham, Ill.	Madden	Sabath	Watres
Griest	Magee, N. Y.	Sanders, Ind.	Watson
Griffin	Magee, Pa.	Sanders, N. Y.	Wefald
Hardy	Manlove	Schafer	Wertz
Haugen	Mapes	Schneider	White, Kans.
Hickey	Mead	Scott	White, Me.
Hill, Md.	Merritt	Sears, Nebr.	Williams, Mich.
Holaday	Michener	Seger	Winslow
Howard, Nebr.	Mills	Shallenberger	Wood
Huddleston	Minahan	Sherwood	Woodruff
Hudson	Mooney	Sinclair	Wyant
Hull, Morton D.	Moore, Ill.	Sites	Yates
Hull, William E.	Moores, Ind.	Smith	Young
Hull, Iowa	Morin	Snell	
Jacobstein	Mudd	Snyder	

NAYS—193

Abernethy	Free	Lineberger	Romjue
Allen	Fulbright	Linthicum	Rouse
Allgood	Fulmer	Little	Rubey
Almon	Funk	Lowrey	Salmon
Anthony	Garber	Lozier	Sanders, Tex.
Arnold	Gardner, Ind.	Lyon	Sandlin
Aswell	Garner, Tex.	McClintic	Sears, Fla.
Ayres	Garrett, Tenn.	McDuffie	Simmons
Bankhead	Garrett, Tex.	McKenzie	Sinnott
Barkley	Gasque	McKeown	Smithwick
Bell	Gilbert	McReynolds	Sproul, Kans.
Black, Tex.	Greene, Mass.	MacLafferty	Steagall
Bland	Greenwood	Major, Ill.	Stedman
Blanton	Hadley	Major, Mo.	Stevenson
Bowling	Hammer	Mansfield	Strong, Kans.
Box	Harrison	Martin	Sumners, Tex.
Brand, Ga.	Hastings	Miller, Wash.	Swank
Briggs	Hawley	Milligan	Swing
Browning	Hayden	Montague	Taylor, Colo.
Buchanan	Hersey	Moore, Ga.	Taylor, W. Va.
Bulwinkle	Hill, Ala.	Moore, Ohio	Thomas, Ky.
Busby	Hill, Wash.	Moore, Va.	Thomas, Okla.
Byrnes, S. C.	Hoch	Morehead	Tillman
Byrns, Tenn.	Hooker	Morgan	Tincher
Cable	Howard, Okla.	Morris	Tucker
Canfield	Hudspeth	Morrow	Tydings
Cannon	Hull, Tenn.	Murphy	Underwood
Carter	Humphreys	Nelson, Me.	Upshaw
Collier	Jeffers	Newton, Minn.	Vestal
Connally, Tex.	Johnson, Ky.	O'Connor, La.	Vinson, Ga.
Cook	Johnson, S. Dak.	Oldfield	Vinson, Ky.
Cooper, Ohio	Johnson, Tex.	Oliver, Ala.	Wainwright
Crisp	Johnson, W. Va.	Park, Ga.	Ward, N.C.
Davey	Jones	Parks, Ark.	Watkins
Davis, Tenn.	Jost	Peery	Weaver
Deal	Kearns	Perkins	Williams, Ill.
Denison	Kent	Porter	Williams, Tex.
Dickinson, Iowa	Kerr	Pou	Wilson, Ind.
Dickinson, Mo.	Ketcham	Purnell	Wilson, La.
Dominick	Kincheloe	Quin	Wilson, Miss.
Doughton	Kopp	Ragon	Wingo
Dowell	Kunz	Rainey	Winter
Drewry	Lanham	Raker	Wolff
Driver	Lankford	Rankin	Woodrum
Evans, Iowa	Larsen, Ga.	Rayburn	Wright
Fairfield	Lazaro	Reed, Ark.	Wurzbach
Faust	Lea, Calif.	Richards	
Fisher	Lee, Ga.	Robinson, Iowa	
Fredericks	Lilly	Robsion, Ky.	

ANSWERED "PRESENT"—1

Tinkham

NOT VOTING—40

Anderson	Frothingham	Logan	Reed, W. Va.
Clark, Fla.	Gibson	McFadden	Schall
Collins	Goldsborough	McLaughlin, Nebr.	Shreve
Connolly, Pa.	Graham, Pa.	McSwain	Voigt
Corning	Green, Iowa	Michaelson	Ward, N. Y.
Curry	Hawes	Miller, Ill.	Wason
Davis, Minn.	Kahn	O'Connor, N. Y.	Weller
Dempsey	Kendall	Paige	Welsh
Drane	Knutson	Parker	Williamson
Favrot	Langley	Reed, N. Y.	Zihlman

So the amendment was agreed to.

The Clerk announced the following pairs:

On this vote:

Mr. Logan (for) with Mr. Reed of New York (against).
Mr. Tinkham (for) with Mr. Gibson (against).
Mr. Weller (for) with Mr. Curry (against).
Mr. O'Connor of New York (for) with Mr. McSwain (against).
Mr. Corning (for) with Mr. Goldsborough (against).

Until further notice:

Mr. Langley with Mr. Clark of Florida.
Mr. McFadden with Mr. Favrot.
Mr. Connolly of Pennsylvania with Mr. Hawes.
Mr. McLaughlin of Nebraska with Mr. Collins.
Mr. Frothingham with Mr. Drane.

Mr. TINKHAM. Mr. Speaker, I voted "aye," but I am paired with the gentleman from Vermont, Mr. GIBSON. If he were present, he would vote "no," and therefore I desire to change my vote and vote "present."

The result of the vote was announced as above recorded.

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

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

Mr. SNYDER. Mr. Speaker, I submit a motion to recommit.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. SNYDER. I am.

The SPEAKER. Does any member of the committee offer a motion to recommit?

Mr. SABATH. Has the gentleman from New York offered a motion to recommit?

Mr. SNYDER. I have.

Mr. SABATH. That is satisfactory.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

Motion by Mr. SNYDER: I move to recommit the bill to the Committee on Immigration and Naturalization with instructions to report the same back forthwith with the following amendment: Strike out the figures "1890" wherever they occur in the bill and insert in lieu thereof the figures "1910."

Mr. SNYDER. Mr. Speaker, I move the previous question.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the motion to recommit.

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

Mr. LEHLBACH. Mr. Speaker, I ask for the yeas and nays.

Mr. BUTLER. Mr. Speaker, I ask for the yeas and nays.

The SPEAKER. As many as are in favor of taking this vote by yeas and nays will rise and stand until counted. [After counting.] Forty-seven Members have risen, not a sufficient number, and the yeas and nays are refused. The question is on the passage of the bill.

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

Mr. JOHNSON of Washington. Mr. Speaker, I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 323, nays 71, answered "present" 1, not voting 37, as follows:

YEAS—323

Abernethy	Cable	Faust	Hooker
Ackerman	Campbell	Fish	Howard, Nebr.
Allen	Canfield	Fisher	Howard, Okla.
Allgood	Cannon	Fitzgerald	Huddleston
Almon	Carter	Fleetwood	Hudson
Andrew	Chindblom	Foster	Hudspeth
Anthony	Christopherson	Frear	Hull, Morton D.
Arnold	Clague	Fredericks	Hull, William E.
Aswell	Clarke, N. Y.	Free	Hull, Iowa
Ayres	Cole, Iowa	French	Hull, Tenn.
Bacon	Cole, Ohio	Fulbright	Humphreys
Bankhead	Collier	Fuller	Jeffers
Barbour	Collins	Fulmer	Johnson, Ky.
Barkley	Colton	Funk	Johnson, S. Dak.
Beck	Connally, Tex.	Garber	Johnson, Tex.
Beedy	Cook	Gardner, Ind.	Johnson, Wash.
Beers	Cooper, Ohio	Garner, Tex.	Johnson, W. Va.
Begg	Cooper, Wis.	Garrett, Tenn.	Jones
Bell	Cramton	Garrett, Tex.	Jost
Bixler	Crisp	Gasque	Kearns
Black, Tex.	Croll	Gifford	Keller
Bland	Crowther	Gilbert	Kelly
Blanton	Cummings	Glatfelter	Kent
Boies	Dallinger	Graham, Ill.	Kerr
Bowling	Darrow	Green, Iowa	Ketcham
Box	Davey	Greenwood	Kiess
Boyce	Davis, Tenn.	Griest	Kincheloe
Brand, Ga.	Deal	Hadley	King
Brand, Ohio	Dempsey	Hammer	Kopp
Briggs	Denison	Hardy	Kurtz
Browne, Wis.	Dickinson, Iowa	Harrison	Kvale
Browning	Dickinson, Mo.	Hastings	Lampert
Brumm	Dominick	Haugen	Lanham
Buchanan	Doughton	Hawley	Lankford
Bulwinkle	Dowell	Hayden	Larsen, Ga.
Burtness	Drewry	Hersey	Larson, Minn.
Burton	Driver	Hickey	Lazaro
Busby	Elliott	Hill, Ala.	Lea, Calif.
Butler	Evans, Iowa	Hill, Wash.	Leatherwood
Byrnes, S. C.	Evans, Mont.	Hoch	Leavitt
Byrns, Tenn.	Fairfield	Holaday	Lee, Ga.

Lilly	Nelson, Me.	Sanders, Ind.	Tillman
Lineberger	Nelson, Wis.	Sanders, Tex.	Timberlake
Linthicum	Newton, Minn.	Sandlin	Tincher
Little	Newton, Mo.	Schneider	Tucker
Longworth	Nolan	Scott	Tydings
Lowrey	O'Connor, La.	Sears, Fla.	Underwood
Lozier	Oldfield	Shallenberger	Upshaw
Lyon	Oliver, Ala.	Sherwood	Vaile
McClintic	Park, Ga.	Simmons	Vestal
McDuffie	Parks, Ark.	Sinclair	Vincent, Mich.
McKenzie	Patterson	Sinnott	Vinson, Ga.
McKeown	Peavey	Sites	Vinson, Ky.
McLaughlin, Mich.	Peery	Smith	Voigt
McReynolds	Perkins	Smithwick	Wainwright
McSweeney	Phillips	Snell	Ward, N. C.
MacGregor	Porter	Speaks	Watkins
MacLafferty	Pou	Sproul, Ill.	Watson
Magee, N. Y.	Purnell	Sproul, Kans.	Weaver
Magee, Pa.	Quin	Stalker	Wefald
Major, Ill.	Ragon	Steagall	Wertz
Major, Mo.	Rainey	Stedman	White, Kans.
Manlove	Raker	Stengle	White, Me.
Mansfield	Ramseyer	Stephens	Williams, Ill.
Mapes	Rankin	Stevenson	Williams, Mich.
Martin	Rathbone	Strong, Kans.	Williams, Tex.
Michener	Rayburn	Strong, Pa.	Wilson, Ind.
Miller, Wash.	Reece	Summers, Wash.	Wilson, La.
Milligan	Reed, Ark.	Sumners, Tex.	Wilson, Miss.
Montague	Reid, Ill.	Swank	Wingo
Moore, Ga.	Richards	Swing	Winter
Moore, Ill.	Roach	Swoope	Wolff
Moore, Ohio	Robinson, Iowa	Taber	Wood
Moore, Va.	Robsion, Ky.	Taylor, Colo.	Woodruff
Moores, Ind.	Rogers, Mass.	Taylor, Tenn.	Woodrum
Morehead	Rogers, N. H.	Taylor, W. Va.	Wright
Morgan	Romjue	Temple	Wurzbach
Morris	Rosenbloom	Thatcher	Wyant
Morrow	Rouse	Thomas, Ky.	Yates
Mudd	Rubey	Thomas, Okla.	Young
Murphy	Salmon	Thompson	

NAYS—71

Aldrich	Dickstein	Lehlbach	Prall
Bacharach	Doyle	Lindsay	Quayle
Berger	Dyer	Luce	Ransley
Black, N. Y.	Eagan	McLeod	Sabath
Bloom	Edmonds	McNulty	Schafer
Boylan	Fairchild	Madden	Sears, Nebr.
Britten	Fenn	Mead	Seger
Browne, N. J.	Freeman	Merritt	Snyder
Buckley	Gallivan	Mills	Sullivan
Burdick	Geran	Minahan	Sweet
Carew	Greene, Mass.	Mooney	Tague
Casey	Griffin	Morin	Tilson
Celler	Hill, Md.	O'Brien	Treadway
Clancy	Jacobstein	O'Connell, N. Y.	Underhill
Cleary	James	O'Connell, R. I.	Vare
Connery	Kindred	O'Sullivan	Watres
Crosser	Kunz	Oliver, N. Y.	Winslow
Cullen	LaGuardia	Perlman	

ANSWERED "PRESENT"—1

Tinkham

NOT VOTING—37

Anderson	Goldsborough	McSwain	Shreve
Clark, Fla.	Graham, Pa.	Michaelson	Ward, N. Y.
Connolly, Pa.	Hawes	Miller, Ill.	Wason
Corning	Kahn	O'Connor, N. Y.	Weller
Curry	Kendall	Paige	Welsh
Davis, Minn.	Knutson	Parker	Williamson
Drane	Langley	Reed, N. Y.	Zihlman
Favrot	Logan	Reed, W. Va.	
Frothingham	McFadden	Sanders, N. Y.	
Gibson	McLaughlin, Nebr.	Schall	

So the bill was passed.

The following pairs were announced:

Mr. Gibson (for) with Mr. Tinkham (against).
Mr. Curry (for) with Mr. Weller (against).
Mr. McSwain (for) with Mr. O'Connor of New York (against).
Mr. Goldsborough (for) with Mr. Corning (against).
Mr. Reed of New York (for) with Mr. Logan (against).

General pairs:

Mr. Graham of Pennsylvania with Mr. Hawes.
Mr. Langley with Mr. Clark of Florida.
Mr. McFadden with Mr. Favrot.
Mr. Frothingham with Mr. Drane.

Mr. TINKHAM. Mr. Speaker, I voted no, but I am paired with the gentleman from Vermont, Mr. GIBSON. If he were present, he would vote "aye." I withdraw my vote and answer "present."

The result of the vote was announced as above recorded.

On motion of Mr. JOHNSON of Washington a motion to reconsider the vote whereby the bill was passed was laid on the table.

Mr. JOHNSON of Washington. Mr. Speaker, I ask unanimous consent to lay the bill H. R. 6540, a bill reported by the Committee on Immigration and Naturalization, on the table.

The SPEAKER. Without objection it will be so ordered.

There was no objection.

Mr. COLE of Ohio. Mr. Speaker, may I inquire whether all Members are privileged to extend their remarks in the RECORD upon this bill?

The SPEAKER. Members have five legislative days in which to extend their remarks on the bill in the RECORD.

IMMIGRATION BILL

Mr. BACON. Mr. Speaker, I desire to supplement my speech on the immigration bill made in the House on Tuesday, April 8, by inserting a table which I have prepared showing the results of various methods of determining the quotas allotted to immigrants from foreign countries.

The table referred to follows:

Quotas

Nationality	Present law	Johnson bill—2 per cent of 1890 plus 100	Senate committee recommendation—2 per cent of 1910, with minimum of 100	National origins method of 1920 census plus 100 in each case		
				150,000 base	200,000 base	250,000 base
Albania	288	104	192	118	124	130
Armenia	230	117	152	150	167	184
Austria	7,342	1,090	4,894	1,942	2,557	3,171
Belgium	1,563	609	1,042	359	446	532
Bulgaria	302	100	202	132	143	155
Czechoslovakia	14,357	1,973	9,572	1,419	1,859	2,299
Danzig	301	323	200	149	165	182
Denmark	5,619	2,882	3,746	1,191	1,555	1,919
Esthonia	1,348	202	898	321	395	468
Finland	3,921	245	2,614	597	763	930
Fiume	71	110	100	118	124	130
France	5,729	3,978	3,820	2,863	3,784	4,705
Germany	67,607	50,229	45,072	22,118	29,457	36,795
Great Britain and Ireland	77,342	62,558	51,562	91,210	121,581	151,951
Greece	3,063	135	2,042	636	815	993
Hungary	5,747	588	3,832	1,359	1,779	2,198
Iceland	75	136	100	112	116	120
Italy	42,057	3,989	28,038	5,977	7,937	9,895
Latvia	1,540	217	1,026	353	437	522
Lithuania	2,622	402	1,752	544	692	840
Luxemburg	97	158	100	176	202	228
Netherlands	3,602	1,737	2,404	2,770	3,659	4,549
Norway	12,205	6,553	8,134	2,533	3,344	4,155
Poland	30,979	8,972	20,652	4,610	6,113	7,616
Portugal	2,465	574	1,644	375	467	558
Rumania	7,419	731	4,946	487	615	743
Russia	24,405	1,892	16,270	4,102	5,436	6,770
Spain	912	224	608	241	288	335
Sweden	20,042	9,661	13,362	3,807	5,042	6,277
Switzerland	3,752	2,181	2,502	881	1,141	1,402
Yugoslavia	6,426	835	4,284	702	902	1,102
Other Europe	86	225	100	133	144	155
Palestine	57	101	100	110	113	117
Syria	882	112	588	262	316	370
Turkey	2,654	123	1,770	215	253	291
Other Asia	92	145	100	122	129	137
Africa	104	138	100	120	126	133
Egypt	18	106	100	104	105	106
Atlantic islands	121	141	100	234	278	323
Australia	279	220	196	148	164	180
New Zealand	80	167	100	120	127	134
Japan	[1]	[1]	1,443	280	340	400
Total	357,801	164,983	240,459	154,200	204,200	254,200

[1] No quota.

The quotas under the present law, the Johnson bill, and the Senate bill are based on a percentage of the foreign born in this country according to whichever census is used. No consideration is given to the native-born Americans in determining these quotas.

Under the "national origins" method shown in the fourth, fifth, and sixth columns of the table above the quota is based not only on the number of foreign born in this country according to the census of 1920 but also is based on the number of native born in the country according to this census. By this method consideration is given to everyone in the country, whether American born or foreign born. This is the only method in determining the quota that counts Americans. This method preserves the present status quo amongst the various nationalities that have made up our distinctly American race.

Mr. MILLIGAN. Mr. Speaker, I believe that one of the most important questions that confronts the American people to-day is the question of immigration. The number and class of aliens that have come to the United States in the last 20 years is appalling. According to the census of 1920 we have a total white population of 94,820,915. Of this number 58,421,957 are of native-born parentage; 15,694,539 are of foreign-born parentage, both parents born in a foreign country; 6,991,665, one parent born in a foreign land; 13,712,754 are foreign born. The result is that in 1920 we had 36,298,958 people in the United States who, directly or by parentage, were linked with a foreign nation. The census of 1920 shows the following classification of our total population:

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

Shortly before the World War we had reached a point where immigrants were coming to our shores at the rate of almost a million a year. Such a number could not be absorbed. The war stopped this influx of aliens, but at the signing of the armistice millions of people of war-torn Europe were found clamoring for admission into the United States, the refuge of the oppressed.

This position of America in the eyes of the people of the world is fine in sentiment, but Americans must protect America and American institutions for Americans. History teaches us that the downfall of the centers of civilization of the past has been not by armed invasion but by the bringing in of alien people as laborers or slaves.

If unrestricted immigration is permitted as before 1917, the history of America in years to come would be the destruction of our American institutions by the alien immigrant of the class and kind that have come to the United States in the 10 years prior to the World War. During this period the great majority of the immigrants were from southern and eastern Europe, a people who adhere to their own customs and continue to live and think as they did in their native land, a majority having no ambition to become American citizens, their only ambitions being to come to America and to receive the benefits and protection of our Government and to give nothing in return.

The reverse of this was true in 1890 and prior thereto. During that period a majority of the immigration to America was from the north and west of Europe, such as the Scandinavian countries, Germany, Holland, France, Ireland, England, and Scotland. A people that are much easier assimilated by our American population.

In 1917 the Congress realizing the seriousness of this question passed a literacy or educational test which was a forward step. In 1921 the Congress passed the 3 per cent quota law, by which we prevented millions of undesirable immigrants coming into the United States.

The provisions of the 3 per cent quota immigration act of May, 1921, and May, 1922, unless this bill or some similar legislation is passed by this Congress automatically ceases to exist after June 30, 1924. The Members of this Congress must either pass this bill or assume the responsibility of opening our doors again to unrestricted immigration, which I hope you will not do.

The following statement made by the chairman of the Committee on Immigration and Naturalization [Mr. JOHNSON] some time ago causes us to realize the costs of unrestricted immigration in dollars and cents to the people of the different States:

> Cost of the care of the feeble-minded, criminal, diseased, deformed, and dependent aliens in the penitentiaries and eleemosynary institutions is on the average of 7 per cent of all taxes collected by the different States. This does not include the costs of those in jails and county institutions.

It is contended by some that unrestricted immigration will supply the shortage in farm labor; but this is not substantiated by past experience. In the fiscal year ending in June, 1921, 800,000 aliens came to our shores and only 2 per cent of this number were farmers and 3 per cent farm laborers. The argument that we need immigrants for cheap labor is not well founded. It is a fact that these men will and can work for low wages, because their standard of living is much lower than the American laborer, but you will also find it is true that one American workman can do about two and one-half times as much work in the same length of time as the native of southern Europe; which means a loss to the employer even though he can hire the foreigner at half the wage of the American workman.

I would mention to my Republican friends who are going to vote against this bill that your stock-in-trade arguments in favor of a protective tariff is that American labor will be protected against foreign competition, yet by voting against this bill you bring in foreign laborers whose standard of living is much lower than the American, and he competes direct with the American laborer.

In 1920 when the present quota law was considered in the House and an amendment restricting all immigration for a period of five years was offered, I voted for this amendment, believing as I did that we should first Americanize the foreigners already within our borders before we admitted any more of these people, who come from those nations which for centuries have been the scene of strife and bloodshed, where conditions have bred a disrespect and disregard for all laws. I would still take that position if it were not for the fact that in the bill under consideration there is a provision, as far as it is possible, for a physical, mental, and moral test at the port of embarkation.

It is also provided that only 2 per cent of the number of foreign-born individuals of such nationality resident in the United States as determined by the census of 1890, which means a decrease of all immigration and especially of the number of undesirable immigrants from southern and eastern Europe. The following table shows the decrease by using the census of 1890 as a basis instead of the census of 1910.

Estimated immigration quotas based on census reports of 1890 and 1910—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 1910
Albania	104	292
Armenia (Russian)	117	252
Austria	1,090	4,994
Belgium	609	1,142
Bulgaria	100	302
Czechoslovakia	1,973	11,472
Danzig, Free City of	323	300
Denmark	2,882	3,846
Esthonia	202	998
Finland	245	2,714
Fiume, Free State of	110	148
France	3,978	3,920
Germany	45,229	40,172
Great Britain and North Ireland	41,772	34,503
Irish Free State	20,886	17,254
Greece	135	2,142
Hungary	588	3,932
Iceland	136	150
Italy	4,689	28,138
Latvia	217	1,126
Lithuania	402	1,852
Luxemburg	158	162
Netherlands	1,737	2,504
Norway	6,553	8,234
Poland	8,972	20,752
Portugal	574	1,744
Rumania	731	5,046
Russia	1,892	15,370
Spain (including Canary Islands)	224	708
Sweden	9,661	13,462
Switzerland	2,181	2,602
Yugoslavia	835	4,384
San Marino	110	110
Andorra	100	100
Liechtenstein	100	100
Monaco	100	100
Palestine	101	138
Syria	112	688
Turkey	123	1,870
Hejaz	105	105
Persia	125	125
Egypt	106	112
Liberia	100	100
Abyssinia	100	100
Morocco	100	100
Union of South Africa	110	110
Australia	220	296
New Zealand and Pacific islands	167	154
Total	161,184	239,930

I do not believe the passage of this act will make our immigration laws perfect, but it will be a long step in the right direction. It will help to preserve American institutions and ideals for Americans of the present day and for our posterity to come against that mad viper of thought—Bolshevism—that has lifted its ugly, striped head and is attempting to strike with poisonous fangs the very vitals of our republican form of government.

Mr. GILBERT. Mr. Speaker and Members of Congress, it may become necessary, in the course of events, as pointed out by the great Jefferson in the Declaration of Independence, for a nation to change that policy under which it had hitherto progressed in order that its progress may continue. It was wise and best for the infant colonies to be dependent upon the mother country for her guidance and for her protection, but the time

came when it became wise and best for them to cast aside that protection and to stand alone, unaided and independent, that they might, as one Nation, become a beacon light for freedom and progress among the nations of the world.

It was wise and best that she should be an asylum for the oppressed of all nations; a home for the persecuted; a land of free entrance and unrestricted immigration; but again there has come a time when it is wise and best for another change in her policy. In fact, the time has come when a change is necessary, if she is to continue to exist as a proud and virile Nation. Changes in condition necessitate changes in policies, and a policy that was wise under the conditions that prevailed during the infancy of this Republic will, if pursued, lead only to its ruin. That policy of the "open door" inviting whomsoever would to enter was wise when there was a wilderness to reclaim and a civilization to establish in a distant world.

When Romulus and Remus were directed to lay out the imperial city, their course was directed by the flight of birds. When Abraham was called from Ur of the Chaldees to found a new home in the land of promise, he was directed in his course by a divine guidance. He was permitted to take with him his family, his relatives, his servants, his cattle, and his chattels, but the American pioneer had to traverse an uncharted sea to land on an inhospitable shore surrounded by wild beasts and the most relentless of savage foes. Like the rebuilders of the temple, they toiled through the day with the implements of labor in one hand and the weapon of defense in the other. None but the brave, the strong, the chivalrous, the determined would undertake such a voyage to acquire such a home.

He was the knight-errant of the wilderness, and liberty alone was his reward. For its sake he left comfort and luxury behind for toil and hardship ahead, but now those who seek our shores come for reasons the reverse.

They do not pay a price for liberty but seek comfort, wealth, luxury, and ease; leaving behind them poverty, misery, pestilence, and crime. They come not as adventurers bold but crowded in the steerage of ships, herded like cattle with their passage paid by their governments for their riddance. So we see the motive has in the course of events destroyed the purpose for which they came.

Likewise, the conditions prevailing here have in the course of events so materially changed that while they once readily assimilated and became as one people, they now assimilate slowly, and frequently not at all. Then the people had one occupation, they were imbued with one purpose—the reclamation of the wilderness. Population was scattered and neighborliness and friendliness and cooperation was the price of their existence. They bought at the same village store, they repaired at the same blacksmith shop, they assembled at the same meeting house, they wore the same character of clothes, they were engaged in the same toil; the interest of each was the interest of the other; the necessities of primitive rural life drew them together. They assimilated into one great people. They were the outstanding specimens of their time and the leaders of their race. They and their offspring through this natural selection of the fittest became the molders of the greatest nation that history records. They were all free men of one class; lovers of God, country, and home. They gave to the world the Declaration of Independence, the Constitution of the United States, the statutes of religious liberty, and for the first time in all history provided for the education of the poor.

You may go to Athens in the age of Pericles when the master hand of Phydias was seen in the newly constructed Parthenon and the beauty of that language shone in the essays of Euripides. You may go to Rome, that silken queen on the Tiber, when the eloquence of Cicero and the poetry of Virgil were heard, or to Spain in the time of Charles V, when his coffers were bulging with the gold of Mexico and Peru and the sails of his merchantmen whitened every sea; or to Paris in the time of Louis XIV, "Le Grand Monarque," when the statesmen of the day were considering matters of etiquette at court; or to England during the reign of good Queen Bess, when the philosophy of Bacon was startling the nations and the verse of every poet paled before the matchless Bard of Avon, and on these brightest pages of the world's history you find no schools for the education of the poor.

With such advantages to offer, with such a welcome held out, is it any wonder that this feeling of friendship was betrayed and those who had nothing to give but a desire only to receive came in multitudes to this land of promise; in many instances with only a purpose to exploit.

Continuing to flow in countless numbers through the years, has never halted this ceaseless tide. By the greatness of their numbers, commingling with others has stopped. Instead of assimilating with other races they have withdrawn to themselves. In the meantime great cities have sprung up and instead of laboring in the soil, to these great cities they have drifted and here instead of associating with others of different races in an effort to become one people, of one country, these great cities now have their so-called "quarters," wherein different nationalities assemble in an isolated group wherein they cherish the customs and the institutions of the country from whence they came. They have their own shops, their own places of worship, in some instances to the worship of idols, they speak their foreign language, they edit their own newspapers in their own foreign language. Under such circumstances is it possible that they go through the so-called melting pot? No, it is not true and be it said to the absolute denial of such a position that the great cities now in our country have their "Little Italys" and their "Chinatowns."

Let this continue uninterrupted many years longer where we look with tolerance upon their distinct foreign little colonies and they will have their little flags. The United States is large, but it is only big enough for one colony, one people, and one flag. It should have one language, one thought, one purpose. Let this tolerance of these national and racial differences grow and it will be but a little while until it will be permissible in this Congress for some Member to address this House in German, in French, in Yiddish, or in whatever language the colonists speak from which this particular representative may happen to come or an interpreter be provided so that if the English language only is spoken in the House that their remarks may be interpreted so that they may be intelligent to the constituents at home.

So the argument that our country became great under an open-door policy may be conceded, and yet under these changed conditions she may languish and die under that same policy.

No greater curse could ever have been inflicted upon a people than the importation of negro slaves into this country when their subsequent elevation to equal rights and privileges shall have in fact been consummated. We in the South are not so sensitive to its viciousness yet, for there a healthful social sentiment takes the place of law and a proper distinction has served to prevent its evils, yet so gradual is its effacement that we are callous to its ever-increasing encroachments until some outstanding occasion awakens us from our lethargy. The other day one of this race, with thick lips, curly hair, was entered into a beauty contest with white girls in one of our northern cities.

Under the policies hitherto pursued a race of yet another color, the yellow man, the Japanese, has begun his encroachments in the West, causing the same results as caused by the Negro in the South. This law, if passed, will be the first law preventing Japanese to immigrate, although our naturalization laws prevent them from becoming citizens under the "free white persons" clause, so that as the law now stands we do not permit them to assume the responsibilities of citizenship, yet permit them as aliens to enjoy our resources.

This law prevents anyone ineligible to citizenship to become an immigrant. Can any good reason be given why, if they are to be excluded from citizenship, they should be permitted to exploit our bounty? It was wise to exclude them from citizenship and is now wise to exclude them from immigration. We had a "gentlemen's agreement" with them which they have not kept. It is a curious fact that the Department of Labor, having charge of immigration, "is not in possession of the gentlemen's agreement and never has been supplied with same," as stated in a letter from the Labor Department of February 15, 1924. This so-called gentlemen's agreement consists of correspondence between Japan and our Department of State, which has not been made public, and access to which can not be had without permission of Japan, as explained in a letter of the Secretary of State.

This much is certain, however, as indicated by instructions to immigration officials at the ports of entry: Under the agreement the United States bound itself to admit any Japanese who presents himself bearing Japan's passport, unless he be afflicted with contagious disease; that is to say, the congressional prerogative of regulating immigration from Japan has been surrendered to the Japanese Government. That condition, coupled with the fact that the terms of the agreement are secret, would justify immediate cancellation of the agreement.

The agreement was consummated under direction of Theodore Roosevelt while President. He makes it clear through official correspondence, amounting to a compact, with the Legislature of California and by statements in his autobiography that the real intent agreed upon with Japan was to be more restrictive. Under the plan Japan was to prevent the coming of her people to continental United States, so that the Japanese population therein would not increase, it being frankly explained by Roose-

velt that an increase of Japanese in this country, with their advantages in economic competition and general unassimilability, would be certain to lead to racial strife and possible trouble between the two nations.

There is no question that the purpose of the agreement as thus explained by Roosevelt has not been carried out. It is clearly established that the Japanese population of continental United States has very materially increased during the operation of the agreement, partly by direct immigration and partly by birth and doubtless also partly by surreptitious entry.

From 1912 to 1915, inclusive, there were over 30,000 "picture brides" who came to the United States, and I have here a list on one vessel from 50 to 100. You understand a "picture bride" was one from Japan who had never seen her intended husband, but who was selected from her picture sent to this country and chosen by her future husband. "Picture brides," so far as continental United States is concerned, were shut out in 1920. The Japanese Government formerly made a returning Japanese enter the military service. Since "picture brides" have been shut out the Government has abandoned that, so that he now goes himself to Japan and gets his bride and brings her in. The Japanese Government encourages that, and the steamship companies give him reduced rates, so that it really costs him no more to go over and get his bride.

Every child born in the United States is an American citizen under the Constitution. They want to own the land. In California in order to save the homes it is provided by law that a person ineligible to become a citizen can not be the guardian of his own child. That was absolutely necessary to prevent them from controlling the lands in that State. At one place in Placer County there were 23,000 acres of deciduous fruit grown; one-third of all the deciduous fruits raised in California are raised there.

In the year of 1920 over 19,000 acres of that land were under the domination and control and use of the Japanese. The white schools are abandoned. Where the American churches used to be the windows are knocked out and in ruin. Between Seattle and Tacoma, in the State of Washington, over 80 per cent of the land is in the control of the Japanese. Forty-seven per cent of the hotels in the city of Seattle are under the control of the Japanese. The fish markets of the city are under their control, as are the vegetable markets, also banks and small stores. Previous to this great invasion the same territory was occupied by great orchards of almonds, peaches, and apricots, and American boys and girls assisted in caring for these crops. There were no Chinese and Japanese in the fields. Our boys and girls are now driven from those places of employment. A high-strung American girl would rather go hungry than work in these fields with a Chinaman or a Jap.

By this legislation this "gentlemen's agreement" is no longer in operation and the statutes of Congress and our own officers will determine who shall come to the United States. Now, if a Japanese presents a passport we can not exclude him unless he is diseased. This must stop. Our sovereignty as a Nation must be supreme in this land and we alone permitted to say who shall enter here. In the Roosevelt correspondence this appears: "I secured an arrangement with Japan under which the Japanese themselves prevented any immigration to our country of their laboring people, it being distinctly understood that if there was such immigration the United States would at once pass an exclusion law." But somehow or other that does not appear in the report of 1908. That evidently was part of the "gentlemen's agreement" that somebody left out. It was dictated by the great President Roosevelt and the indisputable facts show that is has been flagrantly violated. We should now enforce it by express law.

This law when passed will also apply to the Territory of Hawaii where other unusual and peculiar arrangements are carried on by the Japanese. This "gentlemen's agreement" provided there was to be no increase in the Japanese population in these islands. The immigration officials there say that when a Japanese student goes out he registers as a Japanese. When he comes into the country he comes in as an American and no record is kept as to his entrance as a Japanese.

The chart shows a graphic disappearing of Hawaiians, with whites in hopeless minority. and Japanese already risen to predominance. When the "gentlemen's agreement" was entered into there were very few Japanese on the islands, but they have run up to 109,724 in number, while the poor Hawaiian population consists of only 23,723 Hawaiians. When these laws were suggested trouble with Japan was predicted, but the Supreme Court of the United States upheld these different anti-Japanese land laws, and they have been enforced and there has been no trouble.

We appreciate the wonderful strides made in civilization by the Japanese, but with this law enforced they can continue to progress at home and not on the possessions of the United States.

Those opposing this bill base their objections, they say, on the discrimination made and not because it is restrictive. The census of 1890 is taken as a basis of computation instead of the census of 1920, and this they say is a discrimination, because prior to 1890 the immigration from southern Europe and eastern Europe had been small in proportion to the immigration from northern and western Europe. That this will be the result is true. The relative proportions of nationals to be admitted will vary with each census and to select any one census will materially change the quotas from any other census; and it is right and just, without considering the desirability of the different classes of European nations, that that census be adopted nearest to the time when the settlement of this country and its early development took place. It happens that the census of 1890 is the census first giving the respective numbers of foreign born. Using the same per cent of quota, more English, Irish, German, Norwegian, and Dutch will be admitted than under the census of 1920, yet there will be only about one-tenth as many Italians, Bohemians, and Turks, and similarly small proportions of Serbs, Czechs, Greeks, and other inhabitants of southern and eastern Europe. As any census is discriminatory against any other census, it is proper that that census admitting those peoples who are set out in the first of this speech, those who conquered the wilderness and established a new nation, those responsible for its institutions and who guided it through its formation, should be preferred.

I am not familiar by close contact with the qualities of many of the different aliens nor am I obligated to foreign-born constituents that I should shrink from a frank discussion of this subject, neither do I intend to attempt to distinguish the virtues and merits of one national over another, but my observation convinces me that the best immigrants are the Germans and the Irish. The German immigrant has taken to the soil, is industrious, thrifty, and frugal. His home and farm show neatness and attention. Our Irish immigrants are likewise very desirable by reason of their genial dispositions, their ready participation in American pursuits. The young Irishman is roving, happy and carefree, agreeable equally to a fight or a frolic. He is ready to work at the humblest position, but is ambitious and apt and demands recognition. He usually begins by carrying a hod and in a few years has been elected mayor of the town. The 2 per cent quota under the census of 1890 will permit more Germans, Scots, Irish, and English than the 2 per cent quota of 1920. I attach here a table showing the immigration numbers of each country of the world under the four census years of 1890, 1900, 1910, and 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	1,484
Finland	245	1,365	2,714	3,113
Fiume, Free State of	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	29,132
Irish Free State	20,886	18,641	17,254	14,576
Greece	135	259	2,142	3,625
Hungary	588	1,232	3,932	8,047
Iceland	136	142	150	150
Italy	4,689	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	2,738
Norway	6,553	6,837	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	1,330
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

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
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

I oppose further immigration except to complete the family circle of citizens, but realizing that we who so think are in the minority, then I favor the restricted immigration provided in this bill and approve such discrimination as it makes. For public peace and a promotion of friendship for the foreign born already admitted, this is most desirable. Internal disorders become the consequence of unassimilable racial groups. I am unalterably opposed to criticism, abuse, mistreatment, or discrimination against any citizen on account of race or religion. This country will violate all the fundamental principles to which it owes its greatness if it tolerate a recognition of such distinctions. Discrimination in selection is wise and proper. Discrimination of citizens is unwise and improper. It is just and proper for a host to invite as his guests whomsoever he pleases, but having invited them it is unjust and improper to show any distinction among them. The remedy is this, stop the flow, expel the anarchist and discontents who have crept in. Tell all who are not "free white persons" under the Constitution to move on, then Americanize the others until they love their God and country above all else. Then we are safe to permit them to serve their country in their own way and worship God according to the dictates of their own conscience.

I have listened with great interest to the facts and figures bearing on this debate, and a splendid showing has been made statistically for the immigrants admissible to citizenship. Their patriotism in the last war has been pointed out. Statistics as to their literacy and freedom from crime have been given, and yet a thorough understanding of those statistics and the American situation is by no means convincing that there should be an increase in this class to our people. The immigrant who now seeks admission, not through romance, not in daring, not with ambition, but to escape a war-wrecked, embittered country, with hatred in his heart, with a companion who in misery and poverty has borne him children undernourished, war-frightened, and pitiful, is a sorry contrast to the immigrant, even from that same country, who sought these shores in older times.

It was very easy for an alien to be patriotic in the last war, because his own country and his adopted country had a common cause. But since the war this class of aliens seems to have been more concerned in an effort to change our laws than to abide by them. The overwhelming majority of the people of the United States felt that the preservation of our American institutions and the welfare of our country demanded the amendment to the Constitution prohibiting the manufacture and sale of intoxicating liquors—the eighteenth amendment—and yet this alien citizenship, instead of an effort to abide and promote the cause of this country, has been conspicuous in their effort to substitute for it the customs of the countries from whence they come.

Out of the 48 States in the Union only 2, Connecticut and Rhode Island, have failed to approve of that amendment, and the State of New York after having ratified it passed an act refusing as a State to enforce it, and in these 3 States it will be seen there is the greatest number of foreign-born population in the Union. In New York the percentage of foreign born is 53.4. Most of the arguments against this bill have been made by gentlemen from the State of New York. They seem to intimate that crime and illiteracy in proportion is as great in the State of Kentucky, with a negligible per cent of foreign born, as in New York, with its more than 50 per cent foreign born.

While education is the greatest of man's advantages, to be acquired if necessary by great sacrifice, to be treasured as a priceless gift in preference to riches or power, yet by no means is it the only test of worth. It is second to duty and inferior to honor. The ignorant, hard-working, honest immigrant is to be preferred to the educated, scheming, conspiring Bolshevist, spreading propaganda of discord and anarchy. One, though illiterate, is preferable to one who enters to destroy the Constitution, and, when discovered and arraigned, is the first to claim its protection. Likewise, the remote, uneducated tiller of the soil in my native State has a sense of duty and of honor and of patriotism more valuable to both his God and his country than he who uses his education simply for detriment to the peace and well-being of his fellow man. The number of homicides in Kentucky with its native population is compared to the number of homicides in New York, with its foreign-born population, and while it is true that Kentuckians shoot more, they steal less than those with whom they are compared, and I would suggest to these gentlemen who boast of their foreign-born population that there is a distinction even in homicides. Homicides are not always the result of moral turpitude. In my State they are the result of temper or the result of the application of a code of honor, false and erroneous though that code may be, but in the State of New York the great per cent of their homicides occur from no such motive, from no sense of having been wronged, not in heat nor passion, but are the dastardly work of gangsters employed on a commercial basis to take the life of one against whom they have not even a fancied wrong, but solely the calculated result of a moneyed bargain. There a life is taken for money, a depravity totally unknown in the killings in Kentucky.

I make no statements here in bitterness nor for the purpose of arraying one State against another or one people against another, but for the purpose of showing that the time has come when further admissions should be postponed until those already in have become willing to forget the customs of the land from which they fled to welcome and cherish those of the country which gave them refuge. In this city since I have been a Member of Congress a parade took place denouncing the eighteenth amendment, a parade whose members wore badges in flagrant defiance of the Constitution, reading "No beer, no work," and in that parade there was hardly one man in three that could speak intelligent English. As long as such an exhibition as that is possible, this country has no need for more of its kind. No; the country has passed the point of further assimilation and has a bad case of immigrational indigestion.

This bill strikes a new chord in humanity. Its humanitarian features alone should secure its passage, because under it the quotas shall be selected abroad and the race across the sea to enter within the quota limits shall have ceased. Unless some mistake has been made, no alien who shall not be admitted shall come across the sea. Though I am in favor of a total exclusion for a period of quota-immigrants, I am in favor of somewhat liberalizing the nonquota immigrants, solely for the purpose of admitting to this country the fathers and mothers, children, brothers, and sisters of those who have already become citizens. To make the best citizen it is necessary to have as few connections with the mother country as possible, so let the family circle that has been broken be reunited, let the heartaches of the father for his wife and children, his mother, father, brothers, and sisters be stopped. They will make better citizens, they will be more quickly assimilated than if a reminder of old home and loved ones is constantly before him. It will stop hoarding money in this country to send back across the sea. The gentleman from New York on yesterday said that the per capita savings in savings banks among the immigrants was greater than that among the native born. I think that was an inadvertance on his part. Had he thought, he would not have made that argument.

It shows that the native born, expecting to live and die here, has invested in a home for wife and children, and that the immigrant is constantly hoarding and saving not for his own enjoyment in the land of his selection but to send back to be enjoyed by those and to be used in the betterment of the country across the sea. This completion of the family circle would also remove this constant drain upon our resources. No person with a heart could help be touched if he stands at Ellis Island and sees a poor immigrant family, however worthless he thinks them to be, who with the savings of years and without admonition from abroad has arrived at our gates and finds when he has not money enough to return that perhaps one child can be taken and the other left. Regardless of my opposition to immigration, my sympathies would not permit me to tolerate a condition like this, which is forever done away with by this bill. But here I would stop until those who are so fortunate as to have entered into this land where all men who try can find work and can live in peace and con-

tentment, in honor, and in comfort, appreciate in their hearts that they have received a great benefit and priceless blessing and are willing by reason thereof to cherish its institutions, to uphold its laws, and to reverence its flag, forgetting that they are Anglo-Saxons, Scotch-Irish, Irish-American, German-American, or Spanish-American, and remembering that this is simply America wherein all are simply Americans, patriotic, God-fearing, liberty-loving Americans serving their fellow man and praising God from whom all blessings flow.

Mr. GREENWOOD. Mr. Speaker, in forming a new immigration law for our country we must keep in mind the future and determine what the result will be to the perpetuity of our Government, its institutions, and the peace, progress, and happiness of the American people. Many of the advocates of loose and liberal immigration laws are either selfishly or erroneously thinking only of the desires and welfare of the alien who desires to enter, believing that the United States should adopt them all, with their misfortunes, their peculiar and hereditary customs, and in some instances their vicious tendencies.

America, however benevolent her desire to uplift and encourage the peoples of foreign lands, can not become the asylum of the distressed and the unfortunate of every country any more than the altruistic man can receive all the orphans and widows of a community into his own home. The homeland must be kept inviolate.

I believe in world cooperation and that we should assume our portion of responsibility to promote honest diplomacy, law, and order, that peaceful methods may be substituted for hatred and war; but in order to faithfully serve the humanity of the world our country must keep her own household pure and uncorrupted.

I have nothing but praise for those most excellent citizens who in times past came to the United States, made this their home, became citizens, and have thrown their undivided loyalty into the building of our canals, railroads, public improvements, who have cleared our forests, drained our swamps, developed our natural resources, cultivated our fields, and from the wilderness carved out farms and gardens beautifully adorned with homesteads, wherein were nurtured those stalwart sons and daughters, 100 per cent American, and who were ready at the country's call to pay their full measure of devotion to defend the flag and the homeland. These heroic men and women and their descendants are the true American type of citizen, and came mostly from northern and western Europe, and very readily assimilated into the homogeneous structure, adding strength and quality to our American stock. They came during periods of great improvement and construction of public works, when we had vast areas of unsettled public domain, when land was cheap and attractive, when the great outdoors invited them to establish homes on the farms, where they became permanently attached to our rural life. That condition does not exist to-day. The farming interests suffering from poor prices, high transportation, bad marketing, exploiting of middlemen, and various abnormal conditions, makes the farm unattractive to the alien, and is driving many of our native farmers into the cities to seek more remunerative employment in industrial lines. Our mines and our factories are in many places oversupplied with those who desire employment. Under this abnormal condition, it would be national folly to still further aggravate the situation by receiving an increased number of immigrants when we can not successfully employ those who are here and entitled to prior consideration.

We are informed there are in Russia 600,000 who are seeking passports to enter here; likewise in Warsaw alone there are 70,000 awaiting the privilege to enter our country; and in other lands vast hordes have similar desires. We can not assume the burdens of the aftermath of the World War by taking all this economic waste, destitution, hatreds, distrust, unrest, and racial antipathy arising from present European conditions, and at the same time keep our country composed, prosperous, peaceful, and happy.

It is time to explode the myth about the "melting pot" when we know that it does not melt many who do not care to become assimilated, but who prefer to remain foreign in habits, ideals, and language.

Those whom I have mentioned, who came as immigrants before and in the few years following our Civil War, were not of the spirit and temperament of this latter-day type who come mostly from southern and eastern Europe; and it is to correct the quotas so that the basic stock of former immigration classes may receive a larger percentage that the Johnson bill now being considered will allow an increased proportionate quota from Scotland, Wales, England, Netherlands, Germany, Scandinavia, France, and the Irish Free State will have a quota of her own in the same ratio, but the whole number will be reduced from 3 to 2 per cent of the foreign-born population, based upon the census of 1890. Those who have studied the situation claim this will furnish a fair and equitable division, and will bring classes related to our basic stocks, which will the more readily submerge and become truly American without friction or disorder.

Aliens have been entering our country for 30 years at the average yearly rate of 1,000,000, and the new law will reduce this number, will give preference to the immediate relatives of those who are already here; will apply mental and physical tests at the foreign ports, where certificates are issued to those qualified to enter, saving them time, money, and humiliation of coming and finding that they can not enter. This bill will therefore reduce the number and improve the quality of immigration, and will, I believe, meet the desires of most of the American people.

There are corporations who desire increased quantities of cheap labor for industrial purposes. This would lower the standards of living, create unrest among industrial workers, promote alien groups or classes in congested centers, where living, health, and moral conditions are bad, thereby breeding immorality, crime, poverty, and a spirit of rebellion to law and order. We can not continue this policy of injecting these infectious elements without poisoning our body politic. An investigation by Doctor Franklin, of the Carnegie Institute, covering insane, poor, and penal institutions, disclosed the distressing fact that the aliens filled these asylums in unreasonable proportions to their numbers, and that we are paying dearly for the undesirable elements that have been invading our country in recent years.

Immigration is a long-time investment in family stocks, and should not be settled on the basis of a short-time investment for industrial purposes. Let those industries who enjoy a protective tariff in order, as they say, to pay the American workingman a living and respectable wage carry out the trust that the law imposes upon them, and distribute the trust fund thus collected to the acknowledged beneficiaries named in this national policy, the American workingmen, and not give capital protection and at the same time let down the bars and open the gates to the alien who directly competes with the producers of America, the men and women whose sole assets are the wages they receive.

About 50 per cent of our population are descendants of the original Revolutionary stock, and another 30 per cent are closely related to this original stock by nationality, tradition, and ideas of government, and this 30 per cent came from the Nordic races of northern and western Europe, the same as most of the colonial settlers, and these two groups accommodate themselves to similar customs, manners, and ideas very readily, and are therefore the reason for basing the quotas under the Johnson bill on the census of 1890.

Grover Cleveland once said, "The sentiment of our fathers, made up of the patriotic intentions, their sincere beliefs, their homely impulses, and their noble aspirations, all entered into the Government they established, and unless it is constantly supported and guarded by a sentiment as pure as theirs, our scheme of popular government will fail."

We have an American type of citizen which we believe is a superior type, and which we hope will be perpetuated. This average citizen has ideas and ideals on language, culture, education, government, respect for law, standards of living, morals, manners, health, physical and mental superiority, and this American type will not sit idly by and observe these ideals, hopes, and aspirations corrupted or destroyed. Our country, by their Congress in forming this immigration law, has not only the right but also the duty to fully protect the social, the economic, and the political heritage of our Republic as vigorously as we would defend our national honor or would protect our citizens against military invasion.

Let us remember that democracy is not alone political principles embodied in constitutions and statutes. It is a national spirit of devotion to respect our traditions, love and obey our laws, that our country may continue its virtue uncorrupted, and equality and happiness may be our country's future heritage to our children, that they may lead the world to higher planes of civilization.

Mr. LOZIER. Mr Speaker and gentlemen, I desire to register my approval of the pending immigration bill. In so doing I want to say that I entertain no feeling of hatred or hostility toward any race or group of people. I have only the kindest feelings for the teeming millions who in foreign lands are struggling against adverse conditions and who entertain an ambition to enter the United States and here, in a new environment and under the benign influence of our free institu-

tions, work out their destiny. However much I may desire to encourage and promote the welfare of the citizens of foreign lands, I desire much more to conserve the interests and promote the welfare of the people of the United States, and in casting my vote for this bill I believe I am contributing materially to the welfare, the development, and the ultimate glory of our common country, and that is and of right should be the paramount consideration and controlling motive of every Member of this House.

I have in the past given the immigration question considerable study because it has long been evident to every thoughtful student of the problem that it is one of the live issues and an outstanding factor in our national life. It is fundamental that a nation may at will determine the conditions on which aliens may be admitted within its borders. It is for America to determine how many immigrants shall come and from where they shall come. It is not the province of those in foreign lands to say what quota each race or group shall have. To grant this privilege is to abandon our sovereignty.

I believe that we should have a rigid, restrictive immigration policy. It is a mistake to receive more immigrants than we can assimilate. The fact that many aliens have come into our midst, enjoyed the blessings of our benevolent Government, engaged in business pursuits, accumulated fortunes, and yet have never renounced their allegiance to the government under which they were born and have never become naturalized citizens of the United States, should suggest to this Congress the importance of restricting immigration and permitting only aliens to come who in good faith are willing to be assimilated, become citizens of this Republic, and cooperate in its upbuilding.

In voting for this bill, I do not consider that I am discriminating against any races or groups of people. I recognize the fact that different racial groups in and out of the United States are clamoring for this quota or that quota. It is impossible to grant the request of one group without denying the demands of other groups. So, all things considered, I believe that the census of 1890 furnishes the fairest and most equitable basis by which to determine the number of immigrants that may come each year from the several foreign countries. Then, again, it is my conviction that the bill does not unjustly restrict the number of immigrants because, under present conditions, I think that the number permitted to come under the pending bill is all that we can properly assimilate.

We can not escape the fact that a very considerable number of immigrants coming in recent years and some few who came prior to 1900 have not shown a disposition to become citizens or to obey our laws. We have too many native-born Americans who are not good citizens and who do not obey our laws to encourage the coming of others of the same class from foreign lands. I am not referring now to the honest, law-abiding foreigners who constitute the great majority of our immigrants, but I am referring to a very considerable part of late arriving immigrants who do not measure up to the standards of citizenship which prevail either in the United States or in the nations from which these immigrants came.

I am not unmindful of the fact that foreigners and aliens cooperated with the American patriots in establishing our Government and in achieving our independence; nor have I forgotten the great army of honest, industrious, intelligent, law-abiding immigrants who in the last 100 years came into our midst, became good citizens, helped to develop our great natural resources, and materially assisted in the preservation and upbuilding of our glorious Republic. To all such I give all honor and praise. That class of immigrants has always been welcome; that class of immigrants will, within the limits of this bill, always be welcome; and by this restrictive legislation, we are seeking to establish a system or policy by which the best type of immigrants from these outlying nations may be admitted and the worst type denied admission.

May I say here that much of the opposition against immigration results from the fact that many of the immigrants coming to the United States in the last 25 years have brought with them their Old World ideals, their Old World standards of living, and their Old World belief in government, or belief in no government, and they have, in many instances, stood aloof from our people, segregated themselves in colonies, made it a point to associate and conduct business operations only with one another—that is, with members only of their own race, and as a result these groups are not being assimilated and are not being molded into citizenship.

The Irish and the Germans, the Scotch and the Scandinavians, who came to the United States, as a rule attached themselves to the soil. They went into the great Mississippi Valley, into the undeveloped Western States. They became a part of the people in that great region. They touched elbows with their American neighbors. They imbibed the spirit of our institutions and developed into good citizenship, contributing materially to the upbuilding of our Nation. But many of the immigrants in recent years have herded themselves together in the great cities on the Atlantic seaboard and are living the same life that they lived in the old country. If these immigrants of recent years had distributed themselves over the United States, touched elbows with the American people, honored and respected our laws, learned our customs, and cooperated with our native people the assimilation would have been much more rapid and the objections to immigration would have been less pronounced.

In early days the immigrants crossed the Allegheny Mountains and settled in the great undeveloped West. By the will of Bryan Mulamphy, a wealthy Irish citizen of St. Louis, a large trust fund was created, the income from which was to be used to aid indigent immigrants passing through St. Louis on their way to settle in the West. This fund aided materially thousands of poor immigrants who became good citizens and contributed materially to the development of the Middle West. While most of these immigrants were poor, their poverty could not be charged to indolence, but it was the result of unjust oppression that for centuries had afflicted the Irish race. They came into this new environment, they made good, and they were desirable immigrants.

Let me also remind you that many of the early German immigrants represented a very high class of intelligent citizenship. Many of them like Carl Schurz, Doctor Praetorius, and Gen. Franz Sigel fled from their native land when the revolution of 1848 was suppressed by Frederick Wilhelm IV, who placed a price upon their heads. That revolution was fostered by the intelligent classes and when it failed these men fled to America, and in the great Middle West they made a worthwhile contribution to the forces responsible for the phenomenal development of this Nation.

America has always welcomed the intelligent, law-abiding, industrious immigrant, and this law, while it limits, of course, the number of immigrants who may come each year to our shores, is intended primarily to keep out those who come here for no good purpose and who begin plotting against our institutions as soon as they come into our midst.

I believe the foreigners who are living in our midst and who are devoted to our institutions and who are exemplifying the virtues of good citizenship are themselves unwilling that we should admit to the United States men of any race who seek to destroy our Government. I believe this bill, when it is rightly understood and wisely administered, will be satisfactory to practically all our people.

Mr. WINTER. Mr. Speaker, the right of the United States to protect itself is absolute. This right extends itself not only against armed forces of any character from whatever source they may come, but against anything it considers harmful to our national safety and welfare. It has a right to legislate so as to keep out the criminal, the diseased, and those who hold views tending to disturb or defy order and law. Not only these but we can and should hold back from our shores immigration in whole or in part which by its numbers would lower the American standard of wage and living.

Immigration went on for decades unchecked. Ten million foreigners have come to us in the last decade and one half. Had it not been for the present restrictive law, we would have had as many millions in the last few years since the Great War. Under present conditions abroad we must still further restrict, as hundreds of thousands are annually arriving under the present 3 per cent restriction. Not only should we restrict the number to 2 per cent but see to it by a selective process that the 2 per cent are such as will not only be free from criminal or disease taints, but free from habits and ideas inimical to or not in harmony with our institutions, our principles of government. Those admitted must be such as can be assimilated and Americanized with the least effort, by reason of a foundation of health, of good character, of susceptibility to the inculcation of American ideals.

We need a breathing spell now to absorb those who have come to us in such enormous numbers in the past. While millions of these have become the very best of citizens, we know that among those heretofore admitted there is a large element which is vicious and hostile; there are many indifferent to the spirit of Americanism; there are those who are ready and willing to conform and be transformed into true Americans but who have not been taught and educated and imbued with the genius of the New World. All these must be absorbed. We are suffering from indigestion of the foreign element in our body

politic. It will take time and intelligent and patriotic effort to assimilate those who are here. The first necessity is to stop the inflow of this element; the second, to Americanize that part of those who, being here, have failed to appreciate the great privilege of American citizenship and fit themselves for that high estate.

The bill equalizes; it does not discriminate. The basis of the 1890 census secures as near as is possible an immigration which will be in proportion to the number of the different nationalities now in the United States. It will restore the equilibrium, which has been disturbed from the normal by the reason of the use of the 1910 census as a basis since 1917. That basis discriminated against those who descended from the founders and builders of the Republic. This bill will tend to reelevate them to their rightful proportion. If it did discriminate, it is the undoubted right of the American people to admit or exclude whom they please. No nationality has a right to claim any particular status. We must legislate not from the foreign but from the American viewpoint. We wish to be just and equitable and fair to all other nationalities, but can not permit for a moment any proposition limiting us in our right to legislate as we determine in the interests of our country.

I am for a greater restriction of the number of immigrants, particularly at this time, for the reason that we are battling to-day to enforce law and uphold the Constitution. In those States having the largest percentage of the foreign element we find the greatest opposition to the eighteenth amendment and the enforcement act. It is the duty of every State and the governor of every State of this Union to support and enforce all of the laws and all of the Constitution. Concurrent power implies and includes affirmative action. Seminullification as it exists in certain States to-day should be minimized by reducing one of the foreign elements that encourage such an attitude toward the prohibition amendment. Those who have lived long in America, those who have descended from the founders and defenders, those who are native born, should have inborn, ingrained, and inviolate that respect, that reverence, for the country, its laws and Constitution, that, regardless of the fact of a large foreign population, and regardless of their own personal views, will stand for the fundamental law of the land.

The time has come for that real American observance of law which is personal and individual. These should set the example of the highest respect for and obedience to every law. But let us increase as little as possible those who must first learn by slow degrees the principle of giving up certain personal rights in order to secure the greatest degree of liberty, security, and well-being of all. Let us reduce every element which tends to prevent a full, complete, and patriotic American observance and enforcement of law.

By this bill we reduce the number of immigrants from 357,000 to 170,000 annually. As long as we have in this country 14,000,000 foreign born, more than half of whom are not citizens, as long as we have 1,500,000 foreigners in the Nation who can not speak the English language, as long as we have alien colonies who receive a total of 6,000,000 foreign papers, I am and shall continue to be strongly in favor of the restriction and the selective provision embodied in this bill, which I believe to be the best that can be evolved at this time to meet the conditions as they are. By it we shall make and have a better country and perpetuate American ideals, which must be maintained not only for us but for the ultimate good of the world.

Mr. LEAVITT. Mr. Speaker and gentlemen, no question will come before this Congress for decision, our answer to which will have such far-reaching meaning to the future of America as does this question of immigration. It has to do with the racial future of our people. It has to do with our standards of living. It has to do with the maintenance of American institutions of government. Within it lies in great measure the answer to whether America shall remain America, with all that word means of promise and fulfillment, or whether it shall become something else.

Nor is it incumbent on us to argue with other nations whether that something else is as good as our conception of what America should be. The assumption that we must argue this point with anyone is one of the strongest reasons developed in this debate for a further restriction of our immigration until we have absorbed into the opportunities of our citizenship not only the bodily presence but the innermost thinking of those who have come among us. "As a man thinketh in his heart, so is he," and he has not become an American, regardless of his citizenship, as long as he views American problems in his inner thinking, first and instinctively, from the angle of his foreign birth or parentage. That is after all the real test—the inner thinking rather than the outer protestations.

For generations we Americans have been so accustomed to regarding our country as the asylum of the world's unfortunates that it is hard for us to recognize that this theory, like all others, must be applied with reason, otherwise it will defeat even its own purpose by destroying the real America, which is not alone a mere matter of geography but an even greater matter of ideals of citizenship, ideas, and principles of government and standards of human living.

Self-preservation is just as necessarily the first law of nature for nations as it is for individuals. It is not a selfish law beyond the point of necessity, because no nation can do good for itself or be a leader of the world into right thinking and good will by allowing itself to be submerged. It makes no ultimate difference whether a nation is overrun by foreign armies of war or foreign armies of peace if by the process the preponderance of race and thought is changed. In either case, though the mountains and the rivers and the seas remain the same, one nation has fallen and another has risen in its place. History is replete with tragic examples of this truth.

If we believe then, as I do with all there is within me, that America must be preserved, not only for itself but for leadership among the nations to the ways of peace through an example of orderly government based on justice and the right of the people to rule, we must be for restricted immigration as proposed in this bill.

Our institutions of government are drawn from certain historic sources and crystallized in our Constitution. These ideas and practices, both of old history and of present years, have been likewise more similarly developed in some foreign countries than in others, and it is entirely reasonable to believe, and borne out by experience, that we can assimilate into our citizenship more readily and with less change to ourselves and our institutions immigrants from such countries. From countries with vastly different traditions and institutions of government we can take immigrants less rapidly, regardless of their good intentions, because there is more to make over in thought and manner of living. Those of their blood or ways of thinking may argue that they are just as good, and their very argument proves what I say. It is for us to decide how rapidly, if at all, any people may be admitted here, with our first thought being for the preservation of our own America and American institutions. This is not just selfishness, but is ordinary common sense.

One of the greatest statesmen has said that a majority is the only true sovereign of a free people. It is our only sovereign, and it therefore makes a vast difference to us what that majority is, both now and in the future, and it is for us to decide while we are still that majority.

The 1890 census was taken as the basis of quota immigration in this bill not to discriminate against any other nations except as that means discrimination for America. Older immigration was from countries having institutions of government more similar to our own, and it is surely just as important to give as full consideration to the older stock of the country as it is to the new. Opponents of this bill seem to think that because through the open door of our hospitality for the past 20 or 30 years there have poured the vast hordes of south and eastern Europe and western Asia, these peoples have thereby gained a right that is paramount over that of the descendants of those who have fought not only in the last war but in every war; who have occupied not only the crowded centers but have also gone on to conquer the mountains and the forests and the plains of all America. There are no rights in this except those of America. All else are privileges which we have given. The danger of too free giving has been made plain even in this debate and in the demands upon the American Congress by great organizations of the foreign born, in the membership of some of which American citizenship is not even required. This presumption should be our warning and show us the path of duty while we have still the opportunity of following it.

The instinct for national and race preservation is not one to be condemned, as has been intimated here. No one should be better able to understand the desire of Americans to keep America American than the gentleman from Illinois [Mr. SABATH], who is leading the attack on this measure, or the gentlemen from New York, Mr. DICKSTEIN, Mr. JACOBSTEIN, Mr. CELLER, and Mr. PERLMAN. They are of the one great historic people who have maintained the identity of their race throughout the centuries, refusing to mix their blood because they believe sincerely that they are a chosen people, with certain ideals to maintain, and knowing that the loss of racial identity

means a change of ideals. That fact should make it easy for them and the majority of the most active opponents of this measure in the spoken debate to recognize and sympathize with our viewpoint, which is not so extreme as that of their own race, but only demands that the admixture of other peoples shall be only of such kind and proportions and in such quantities as will not alter racial characteristics more rapidly than there can be assimilation as to ideas of government as well as of blood.

The policy of America has not been selfish in the past, and it is for us alone to decide where lies the line between self-interest and necessary self-preservation. We will be fair to others, but must be likewise fair to ourselves.

This debate points almost inevitably to the conclusion that all immigration except that of families of those already here should be stopped for a period of years to give opportunity to determine a sane and permanent policy, without the clamor and pressure of great groups calling themselves this or that kind of Americans. I would vote for such a measure if it were before the House. It would give us time not only to Americanize what we have but to study and find out what sorts of immigrants can be really assimilated and what can not. But the committee, which has so proven its intense interest in America that its purposes are unquestioned, has said that this present measure is now advisable because of certain treaty relations, and I shall vote for it.

An enlargement and comprehensive extension of the national employment service to intelligently distribute the supply we have will go far to prevent any shortage of labor growing out of this added restriction of immigration. It can do it with benefit to both the American working man and employer, and without reducing American standards. And further than that, I could show you, from my experience as a State Federal director of employment during a period of the war, how it would help in the preservation of American institutions by giving a changed viewpoint regarding the Government to millions of men and women. I will do that at a later time in more detail, and will only indicate here the fact that there is an answer to the fear of a labor shortage, which also points toward one solution of the greater problem of the social unrest.

Mr. Speaker, I am for this bill because I believe it is fair and constructive and that within it lies great promise for the future of our country.

Mr. VINCENT of Michigan. Mr. Speaker, probably no question before the American Congress is so important to the future welfare of this Nation as the question of the proper control and selection of immigration. The Committee on Immigration, of which I have the honor to be a member, in preparing the present measure, H. R. 7995, did not approach the question in a spirit of malice, bigotry, or desire to injure the sons and daughters of any race in the world. But it did approach the question filled with the desire to protect America and, so far as it was able, to see to it that the basis of free government, which is the character of the individual citizens of this country, should not be impaired by the kind of immigration to be received.

The testimony before the committee from most well-informed and responsible sources was overwhelming that people by the millions in the various parts of Europe and Asia Minor are desirous of moving to this country in order to escape from the hard conditions under which they now live. It is well within the facts to say that were it not for our present quota law there would be the greatest exodus of mankind from various parts of Europe that has ever occurred in history. Does that mean anything with respect to the future welfare of this country?

Let us reflect that this country was founded by immigrants who were pioneers, who left the homeland ready to face the dangers and endure the sacrifices incident to residence in the New World with the hope of building there a great nation dedicated to liberty and freedom. They were the strong of their communities, the daring, the enterprising. They were attracted to come to these shores because this new land existed as a challenge to their enterprise, initiative, and daring.

The thing that is driving the great multitude to want to come to our shores at the present time is the very reverse of that which brought the old immigration here. To come to America, to hundreds of thousands of these people, means a way of escape from hard conditions into a land that is, in their mind, rich with easy reward.

It is well to stop and think as to whether we can, a score or a hundred years from now, safely base our national life on this great influx of people attracted to us because of these considerations. We were, therefore, driven to the conclusion that immigration into this country must be drastically restricted. We were reenforced in this opinion by looking about us and seeing beyond argument that most of this new immigration takes up its residence in clusters and groups in our great cities where Old World languages and manners and customs flourish to a degree that is not consonant with the welfare of America. It is our considered opinion that drastic restrictions must be imposed until social absorption of these foreign-minded people has caught up with those who are already here. We therefore determined to recommend the cutting of the number of those permitted to come practically in half.

Then arose for discussion the basis upon which to fix the census year for the computation of the quota. It has been argued on this floor that the selection of the census of 1890 is deliberately discriminatory against the nations of southern and eastern Europe.

Immigration is purely a domestic problem of this country; and if it were determined that for the benefit of this country it were necessary to discriminate, I maintain that this country has a perfect right to make the discrimination. But I further maintain that if the question is looked at from the standpoint of the people of America, there is no discrimination against southern and eastern Europe in the selection of 1890 as the quota base. The committee found upon research that the number of people now incorporated in our white population finding their origin in southern and eastern Europe is 14 and a fraction per cent of the total white population. It found further that the selection of the census of 1890 as the quota base would permit about 15 and a fraction per cent of the quota immigrants to come from the same countries of southern and eastern Europe. The selection of 1910 as the quota basis permits about 46 per cent of quota immigrants to come from the nations of southern and eastern Europe. The census of 1910, therefore, is plainly discriminatory with respect to the body of the population already here. The use of the census of 1890 stabilizes the racial blood of this country approximately as it now stands.

If we believe the progress and success of America as a nation is not wholly attributable to its natural resources, but is also attributable to the kind of people who have resided here and helped to build this country and its Government, and which consists now of only about 14 per cent from southern and eastern Europe, it seems to me that patriotic Americans will hesitate before they will permit a law to remain which allows the injection into the body populace of 46 per cent from those countries which did not begin to send immigrants here until late in the history of this country, and who had little part in laying the foundation of this Nation, and which if continued will soon change the entire racial character of this country. These considerations are not founded on malice or dislike or a desire to injure, but are founded wholly upon a patriotic purpose to insure the safety of our own Nation. It may be argued by some that this to an extent is a selfish purpose, and that our considerations ought to extend to all men throughout the world.

I agree with this purpose to a great extent, but I believe that the United States can best help the world by keeping its foundations safe, by continuing to be as it has been in the past, the home of liberty, the home of self-government under the law, and of equal opportunity, and a country where the scale of living is maintained at a high level, and that if we do anything to lower that level we are in the long run injuring all the people in all the world. In short, we can best help the world at large as well as ourselves by keeping America American.

The Committee on Immigration had another important purpose in mind in drafting this legislation. Briefly stated, it is this: That immigrants, whencever they come, should be treated as human beings and that, so far as possible, the heartbreaking disappointments connected with long trips from distant homes to Ellis Island, only to be turned back because of quota or other restrictions, should be done away with forever, and that the spectacle of racing steamships to reach an imaginary line in New York Harbor at midnight of certain days should become a thing of the past. To that end a system of immigration certificates has been devised whereby the intending immigrant in his homeland goes to the American consulate and announces his intention of coming to this country to settle. He is then subjected to a questionnaire, a process of investigation is instituted, and if, so far as can be learned from the questionnaire or otherwise, he is found to be suitable under our laws and found to be within the quota number, he is granted an immigration certificate which is nontransferable. By receiving this immigration certificate he knows absolutely that he will not be turned back upon arrival solely on the ground that the quota is exhausted. In other words, he knows that there is a place for him in the quota number of this country. And he knows that the

only reason for which he may be turned back will be that he is found upon final examination to be unsuitable from the standpoint of health or anarchistic belief, or pauperism, or such reasons that exist in the permanent immigration laws of this country, every item of which has been called to his attention in the questionnaire.

After he receives this immigration certificate he has two months in which to make his preparations and take ship for the United States. There will be no further need for the racing of ships because every person on board who is an intending immigrant and who holds a valid immigration certificate will be known as a person who will be permitted to enter so far as quota is concerned when he arrives. Further than that, the operation of the law will have the effect of spreading the immigration evenly throughout the year and not, as at the present time, piling up the immigrants by thousands at the beginning of the fiscal year or on the first two or three days of each calendar month, thus swamping the immigration staff at the port of entry and resulting in poor and cursory examinations.

The operation of the present law which results in thus swamping the immigration inspectors at the port of arrival at the beginning of July in each fiscal year and on the first few days of each succeeding month has been such as to render the physical and mental examinations at the ports almost a farce. Thus during the beginning of the present fiscal year it was possible to assign for examination, for part of the time, only one minute to an immigrant. Everyone must know that so short a period of time as this can not result in the thorough examination that the interests of this country require should be given to those who intend to cast in their lot amongst us. The present measure providing that only 10 per cent of the number of certificates allotted to any country may be issued in any one month and the removal of all incentive to try to arrive on the first day of the month in the fear that some one else may exhaust the quota will operate to spread the arrival of immigrants evenly throughout the fiscal year and thus give the immigration authorities a fair chance to administer the law with respect to mental, physical, and educational qualifications. All must agree that this result, if it can be attained, is one devoutly to be wished for.

Another humanitarian feature which the committee hopes and believes will be brought about by the operation of the pending measure is the reuniting of the immigrant's immediate family. Not only do we believe that this will result in happiness and contentment to the late immigrants within our midst but we believe also that it is a necessary step on account of the highest moral considerations. It is provided in this measure that as soon as the immigrant has demonstrated his desire to become permanently a part of this Nation by assuming citizenship therein that he may send for his wife, his minor unmarried children under the age of 18 years, and his father and mother over 55, and that they may enter and join him without being counted in the quota. Thus the immigrant to this country may look forward not only to citizenship but to the unhampered privilege of having his fireside relatives come to join him in the new home.

The present law, while it permits more people to come, does not result, in its operation, in keeping the families of immigrants united. This is not entirely the fault of our law but is traceable also to the activity of certain foreign countries, particularly in southern Europe. Before these people can leave their own land they must obtain a passport from their own government. It seems to be the policy of some of these governments to permit passports to be granted largely to men, including married men with families, and to deny passports to the wives and children of these men. One of the purposes of this is to bring about an incentive for money to be sent from the labor of these men into the country from whence they came. And so long as the quota applies to all and it remains the desire of such countries to export labor, just so long will this division of families continue to become a greater and greater problem. The lowering of the quota permitted to these countries will in the future cut down the number of these divided families and the provision that as soon as citizenship has been acquired by the immigrant that he may send for his immediate family without being restricted by quota numbers will surely bring about the reunion of these sundered families.

These are but a few of the main provisions of the measure before us, and we believe that a careful, unbiased examination of this measure will be convincing that it is a tremendous step forward in the control of immigration, in the humane administration of the law, and in the selection of those to come, which for the first time is largely placed where it ought to be placed, at the beginning instead of the end of the immigrant's long journey.

Mr. DICKINSON of Missouri. Mr. Speaker, I desire to briefly register my approval of this well-considered immigration bill, and in so doing, I represent not only my own views but the wishes and judgment of the people of my sixth district of Missouri, who feel that the time is here and now to stay the mighty rush of thousands of undesirable aliens into this country.

There are different classes of aliens coming to our shores faster than they can be assimilated. A period of exclusion as against all for a term of five years is strongly advocated by many of us, and it seems to me all right, and let the tide of immigration go elsewhere, and give the United States a better chance to adjust itself with the large foreign population already within our gates, but the House seems disposed to follow the judgment of the Committee on Immigration and not jeopardize the passage of this well-considered bill by inserting an exclusion period therein, and inviting a veto by the President, because of our world and treaty relations. It is imperative that this law be passed now, for the present law terminates on July 1, 1924.

I have favored a change in the quota based, as in this bill, on the 1890 census, and a reduction from 3 to 2 per cent, based on said census of 1890, and for a preliminary examination overseas, the registration of aliens in this country during the period of noncitizenship, an absolute exclusion of all not entitled to become citizens, save as permitted under certain treaty rights and temporarily as representatives of foreign governments, and a placing of the burden of proof on the alien rather than on the United States. This admirable immigration measure, the strictest ever presented for consideration, meets the best judgment of Congress, and I hope it will become a law, though I was friendly to even further restrictions for a period at least until world conditions improve.

Unless restricted, foreign countries, with the aid and encouragement of the great steamship lines, would continue to ship to our shores their undesirables and retain their better class. So, as a matter of self-preservation, this country must act.

I have long favored the abolition of the so-called gentlemen's agreement between this country and Japan, which has been a delusion and a snare. We exclude the Chinese—why not the Japanese? Why should we favor Japan as against China, a friendly nation, and whose people, to say the least, are as worthy? We must preserve the United States for our own people and for the incoming in limited numbers of the best class of immigrants, who will come to be permanent citizens, and only those who can assimilate with the citizenship of this country and be loyal Americans. We do not want those who come to exploit America and only come to enrich themselves, retaining their citizenship abroad and retaining allegiance to foreign countries, to which they return with their profits made in the United States.

In later years multiplied thousands have poured into this country from about every foreign country on earth, settled in groups in the great cities, and by their presence have largely changed the healthy conditions that once existed, and they cast their suffrage not as independent Americans, understanding and caring for American traditions and the high moral standards that we have sought to perpetuate, but are rapidly getting control, voting in groups, and largely dominating the policies of cities and States and threatening to dominate our entire country. Our liberal open-door policy of the past, when with an unsettled country we invited the oppressed of all nations to come and enjoy with us political and religious freedom, can not now be the policy of this country. They came in the past to help build our mighty and vast areas and to make our country great, and they were welcomed, but now they come of an inferior class and in such hordes that the tide must be stayed or the civilization of our country is gone. Self-preservation is the first law of nature, and should be invoked by nations when necessary as well as individuals; so let us have more rigid and stricter immigration laws, so that the United States may not be the dumping ground for all countries of the earth. Let us pass this well-considered Johnson immigration bill and enact it into law and let the world know that the United States is on guard and will accept only the best immigrants and those in limited numbers, and if need be we will tighten it up further but never weaken it.

Prominent features of this bill is the reduction of the per cent and based on the 1890 census, shutting out more largely immigration from southern and eastern Europe, examination abroad, abolition of the so-called "gentlemen's agreement" with Japan. This is not a perfect bill, but is a great step in the right direction. I favored registration of aliens during noncitizenship and would have voted for exclusion for a period of years until conditions became more satisfactory, but the judgment of the

House of Representatives was not to jeopardize the passage of the bill by going so far at this time.

I wish to insert here the following table showing the decrease by using the census of 1890 as a basis instead of the census of 1910:

Estimated immigration quotas based on census reports of 1890, 1900—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 1910
Albania	104	292
Armenia (Russian)	117	253
Austria	1,090	4,994
Belgium	609	1,142
Bulgaria	100	302
Czechoslovakia	1,973	11,472
Danzig, Free City of	323	300
Denmark	2,882	3,846
Esthonia	202	998
Finland	245	2,714
Fiume, Free State of	110	148
France	3,978	3,920
Germany	45,229	40,172
Great Britain and North Ireland	41,772	34,508
Irish Free State	20,886	17,254
Greece	135	2,142
Hungary	588	3,932
Iceland	136	150
Italy	4,689	28,138
Latvia	217	1,126
Lithuania	402	1,832
Luxemburg	158	162
Netherlands	1,737	2,504
Norway	6,553	8,234
Poland	8,972	20,752
Portugal	574	1,744
Rumania	731	5,046
Russia	1,892	15,370
Spain (including Canary Islands)	224	708
Sweden	9,661	13,462
Switzerland	2,181	2,602
Yugoslavia	835	4,384
San Marino	110	110
Andorra	100	100
Liechtenstein	100	100
Monaco	100	100
Palestine	101	138
Syria	112	688
Turkey	123	1,870
Hejaz	105	105
Persia	125	125
Egypt	106	112
Liberia	100	100
Abyssinia	100	100
Morocco	100	100
Union of South Africa	110	110
Australia	220	296
New Zealand and Pacific islands	167	154
Total	161,184	239,930

Mr. JAMES. Mr. Speaker and gentlemen, in a very eloquent speech the other day the gentleman from Texas [Mr. Box] said in part:

> It matters not how excellent the people may be, people of other attachments and other tastes should not pour in here in such numbers that they do not acquire the American character; that they do not love American institutions.

We can all agree with those sentiments, but I have waited in vain to hear someone show us, or even attempt to show us, that the Italians, the Yugoslavs, the Poles, the Syrians, "do not acquire the American character, that they do not love American institutions."

I know that they have acquired the American character in my district, and I know that these immigrants of my acquaintance love American institutions.

If anyone does not believe that, he can readily find his mistake by visiting my people.

The "poor illiterate foreigner" who has no education himself because he never had the opportunity is—very many times—more anxious than others to see that his children go to school and go to college.

I asked that the names of those that graduated from our high schools be sent me and one glance at the names shows that the immigrant wants his children to have the best education that it is possible for him to give them.

Many of these sons and daughters of our immigrants graduate with very high honors from our high schools and with high honors from our colleges.

In the Mining Gazette, Houghton, Mich., of April 2, 1924, I read where the son of a Syrian immigrant graduates with high honors. The article reads in part as follows:

JOHN KIRKISH IS VALEDICTORIAN OF GRADUATING CLASS—PRINCIPAL ANNOUNCES HONOR LIST OF SENIOR CLASS

The honor list for the 1924 graduating class of the Houghton High School has been announced by Principal Glenn K. Kelly. The list represents the nine seniors maintaining the highest average in all subjects throughout the four years of high-school work.

John Kirkish is the class valedictorian. He did not receive a grade lower than "1," which represents an average of from 95 to 100, during his four years in high school. This is a record seldom attained by a graduate and is a most remarkable achievement.

Miss Sadie McCance is the class salutatorian. Her average for the four years was 1.421. Miss Minnie Gaspardo was a close third, with an average of 1.423, only two-thousandths of a point lower than the salutatorian.

The other six honor students, named alphabetically and not in the order of their standing, are Henry Balconi, Joan Croze, May Jenkins, Ellen Kohimainen, Aurora Lundahl, and Mary Messnor.

Judge Box in his speech also stated: "That they do not live American lives." I have waited in vain to hear some evidence to show that these Italians, Syrians, Poles, and Yugoslavs do not live American lives. Those that I know in my district live as well, dress as well, behave as well, obey the law as well, and in every other way "live American lives."

We can also agree with his statement "Americanism lives only in the hearts of the people." There has been no evidence to show that Americanism does not exist in the hearts of these immigrants who come to America with the intention of making it their permanent home.

One of our colleagues read a telegram the other day from his department adjutant to make it appear that the American Legion was for the Johnson bill without any amendment. Many of the members of the Legion in my district are immigrants or the sons of immigrants that this bill is intended to discriminate against.

I inclose copy of wire from the department adjutant of the American Legion of Michigan. We can all agree with his sentiments in re "exclusion as immigrants of all aliens ineligible to citizenship":

DETROIT MICH., *April 7, 1924.*

Hon. W. FRANK JAMES,

House of Representatives, Washington, D. C.:

The American Legion, Department of Michigan, would appreciate greatly if you would be present and support the section of the Johnson bill, H. R. 7995, which provides for the exclusion as immigrants of all aliens ineligible to citizenship. We also desire at this time to thank you for your vote on the adjusted compensation bill.

THEODORE W. KOLBE,
Department Adjutant.

I sincerely hope that when this bill comes back from the Senate it will be amended so that the figures will be based on the quota of 1910 instead of 1890. If so, I predict that the bill will pass by a nearly unanimous vote.

Mr. SUMNERS of Texas. Mr. Speaker, in view of the attitude which our own State Department and the representative of the Japanese Government have taken with regard to the exclusion features of this bill while in the process of its legislative consideration, it can not be deemed improper for me to make some observations with regard to the diplomatic and international aspects of such proposed exclusion.

In the determination of a policy of immigration restriction, including the exclusion of certain peoples, as is provided for in this bill, there is no question of superiority or inferiority or of national unfriendliness involved. It is no reflection upon oriental peoples that by the provisions of this bill they are to be excluded. Such proposed exclusion is not based upon any speculative theories. It has been demonstrated in every instance where the experiment has been made that there is such fundamental differences between those of the same blood as ourselves and oriental peoples that when they are placed in considerable numbers in the same communities with those of our blood, our civilization, our ideals and our standards of living that there invariably develops a drawing together into racial compactness of the members of these respective races. They do not blend. That thing called racial antagonism always develops. That development is the danger signal. It warns both races of the folly of such an attempt. If these races are to remain on friendly terms they must not disregard that warning.

It is said we must admit Japanese immigration or lose the friendship of Japan. Japanese statesmen, in my judgment, are not justified, in the light of history and in the face of actual conditions which have developed in other parts of the world and along our own Pacific coast, in regarding this legislative proposition as either unfriendly or as a reflection upon the Japanese as a people.

It seems to me that both nations, if actuated by no other consideration than the desire to maintain friendly relationship, should endorse and adhere to the policy of this bill.

As I have stated, it is not a question of superiority or of inferiority; it is merely an intelligent, practical recognition of a basic fact over which diplomats and other governmental agents have no control. Why there are lines of racial cleavage we do not know. When, if ever, they are to be wiped out we do not know. This we do know, that whenever the attempt has been made to establish oriental peoples in considerable numbers in communities where people of our race have established themselves happy results have not followed.

Gentlemen may argue that that is bad, that it is brutal, that it is un-Christian, but that does not remove the fact. It can not remove the fact because it lies deeper than reason and argument can reach. It shows that the time has not come when these lines of racial cleavage are to be or can be either obliterated or ignored. They are not accidents. Nothing so important is the creature of accident. They are the evidences and the result of purpose. They have a part to play in the great plan of things. These racial reactions, resulting from group racial contact, are not accidental. They do not come from human deliberations They are not the result of mental analysis and conclusion. Broadly and generally speaking, they are yet beyond human control.

The American Nation and the American people want to maintain friendly relationship with the Japanese nation and with the people of Japan. And we can do it if we will be warned by the racial reaction which every test has shown to result from group contact between these races.

Let the Japanese traveler and student come as is provided for in this bill, and learn from us and let us learn from them—welcomed guests among friends who wish each other well. Let there be mutually advantageous commerce. Let there be cooperation and accord in dealing with world problems. That relatonship we can maintain. Upon that relationship enduring friendship can rest.

The exclusion provisions of this bill are not antagonistic to that relationship. They make its preservation possible.

I am not undertaking now to deal with the question of domestic policy as fixed by the legislative branch of the Government. But since the diplomatic agencies of this Government and of the Japanese Government have raised questions of diplomacy against this contemplated legislative action, it is not presumptuous, therefore, for a member of the legislative branch to express with proper respect his views with reference to the diplomatic and international consequences involved in this contemplated legislative action.

There is temptation to discuss the unyielding purpose of Congress and of this Nation to select, to limit, and to exclude as seems best to it. No other nation will ever be consulted on that point. That right will never be yielded to the diplomatic branch of the Government. It will never be yielded to the treaty-making power. But in view of the suggestions which have come from diplomatic agencies, seeking upon considerations of diplomacy to influence against this proposed policy, it is my purpose now only to call attention to the diplomatic considerations of the highest importance which call for support of this proposed policy.

Mr. BURDICK. Mr. Speaker, I can not bring myself to favor the immigration bill now before this House. The time, in my opinion, has not arrived when we should adopt such a drastic policy on this important subject. This country of ours, in common with all others, has suffered to some slight extent by the evil tradings and doings of some of its inhabitants. But is this to be laid at the door of those who come from foreign lands to take up their abode by choice in this land of opportunity? Does the theory of Americanization apply only to the foreign born? Do not many of the native born, descendants of those who first settled America, need at least a little Americanization themselves?

In my own State I can speak with the assurance that those who come from foreign shores to settle within our borders are law-abiding, industrious, and in time good American citizens.

Taking, as this bill does, the census of 1890 as a basis, those nations with whom we were associated as allies during the World War are in the most unfavorable position, while, on the other hand, that nation with whom we were at war has its quota materially increased on that basis.

And so this bill appears to me to be not only discriminatory but a piece of ingratitude toward those who in the world's crisis, the great World War, gave of their all for the sake of civilization.

Take the case of the Italian, for instance, many of whom have come to Rhode Island to make their homes and to learn the ways of America. Italy, at the beginning of the war, was bound by treaty to Germany. The war progressed, she did not heed the call of Germany to arms, but realizing that the war was being conducted by Germany not for defense but for aggression, at a time when Germany was about to take Paris, threw her strength upon the side of the Allies and Paris was saved.

Again, when Verdun was about to be encircled, the Italian soldier blocked the path of the Austrian Army and that important movement was defeated. And at what a cost in men and property!

And by this bill we say to Italy, "You are the unfavored class. By cutting down the percentage from 2 to 3 and by using the 1890 instead of the 1910 census, we can and will cut your quota from more than 30,000 to less than 5,000."

I have spoken of Italy merely as a striking example, but the same injustice applies to Belgium, Greece, and others of our allies.

No less an authority on "America for Americans" than President Roosevelt declared, speaking of the east side of New York City:

> I say that the best American citizens are on the east side, because they bring their idealism with them; because they love America, they are willing to sacrifice everything for America.

And from a high authority I have the assurance that while we were sending our boys across seas to fight for civilization, a transport carrying for the most part a quota of these boys of foreign parentage from the city of New York had on it agents of our enemies trying to implant the seeds of dissatisfaction, but in their report to their Government confessed their absolute failure and stated that there were no truer or more loyal Americans than they found in this contingent of drafted foreign-born Americans.

Are we to forget these men and the people of other nations, and say to them, "You were good enough to fight for us overseas, you are not good enough to live and struggle with us over here"?

We need the class of immigrant who comes to America. We need their industry, their frugality, their earnestness in the pursuit of a higher standard of living for themselves and their families.

True it is that there are exceptions among these new arrivals, as there are exceptions among those whose fathers and grandfathers were born here. Occasionally there come those intent on tearing down and not on building up the structure of our Government.

But when any such do come, I feel that we of America can look out for ourselves and I feel that among the first to guard us against any such will be found those of our foreign-born citizenry who appreciate what America means to them and to the world, and, jealous of their privilege, will not stand to see that privilege in any way attacked or weakened.

The minority report points out that away back in 1845 it was solemnly declared by an association of native Americans that our—

> civil institutions have been seriously affected and that they now stand in imminent peril from the rapid and enormous increase in the body of residents of foreign birth.

Since then we have continued to grow and to prosper, and to-day, with all the added population of foreign origin, I have faith in America and her institutions. I feel that our present immigration laws are sufficient to protect us, and I know of none more jealous of those institutions than those who from choice have come to us, attracted by all for which America stands—the right of life, liberty, and the pursuit of happiness.

Americanization is a wonderful remedy—so wonderful that many of us born here should occasionally ask whether or not we may not profitably take the course ourselves, at least to some degree.

Mr. GASQUE. Mr. Speaker, the opposition to this bill seems to take exception to what they allude to as its discriminating provisions. I have not studied the charts and figures sufficiently to say which side is correct as to that, nor am I, as an American citizen, so much concerned in that. What I am concerned in is trying to keep pure the traditions of the early settlers of this country, wherever they came from. I am more concerned in the perpetuation of the ideals, the ideas, the religion of the generation who lived here in 1776 and who wrote the Constitution of this great Government than where the future immigrants are to come from—whether they are Nordic stock or any other stock. Therefore, it is the number of immigrants allowed that I am particularly interested in. I do not care so much what year you take the quota basis from, whether it be 1910, 1890, or what year, so long as you limit the number sufficiently. I am opposed

to letting in any larger number than we can assimilate. I am opposed to letting them into this country any faster than we can make Americans of the type who won their liberty from England in the Revolutionary War, any faster than we can Americanize them. We should limit the number to that extent first and then select the class we want. I am convinced that with the selective provisions of the present law, together with the 2 per cent basis on 1890 census, selection will be pretty well taken care of.

I am convinced that our Government has not been taking this into consideration. As a nation, we have drifted almost to the suicidal point. We have been so generous in our love for all people, so sympathetic for down-trodden nations, that we have practically sacrificed everything for which our forefathers fought to establish. We seem to trust to fate and forget that we must exercise thought and judgment if we would survive. History has proved this from the beginning of the world. America seems to think that defiance of science is trust in God. To quote Morrison Swift in the Boston Herald of March 30:

America is slipping and sinking as Rome did, and from identical causes. Rome had faith in the melting pot, as we have. It scorned the iron certainties of heredity, as we do. It lost its instinct for race preservation, as we have lost ours. It flooded itself with whatever people offered themselves from everywhere, as we have done. It forgot that men must be selected and bred as sacredly as cows and pigs and sheep, as we have not even learned. And, like us, it put full faith in the devils—luck and chance. And Rome perished—needlessly, ignobly, shamefully—as we shall perish if we do not speedily change and embrace intelligence.

Rome brought in as slaves from all quarters conquered peoples who had no training in self-government and none of Rome's earlier ideals. They submerged and eliminated the Roman population. This sapped Roman stamina. The Romans were traitors to Rome, to themselves, to the Roman race. They paid the inflexible penalty—Rome rapidly senilized and died.

We have enticed or let in innumerable people who have had no training in self-government and whose ideals are adverse to ours and in large proportion far below ours. Our American race, the race that made the Nation what it is, now is almost swamped. Science, in revealing laws of heredity which Rome did not possess, informs us how to save ourselves. The sure way is to bar the alien flood as Rome should have barred it. That is the only way. Our action must be instant.

Why do we not act? First, false virtue, resting on our crude theory of indiscriminate love of all men and races; second, the vast power of employers of raw labor who are willing to wreck the American race for the sake of more private dollars; third, the determination of the alien hosts already massed here to break down the American race so that the country may be deluged with more of their kind and Americanism extinguished before Americans awake to avert their fate.

The battle which will decide whether Americanism shall be wiped out or not is now being fought to a finish in Congress. If a drastic restriction law against immigration is passed Americanism will be saved. If the alien elements, overawing Congress, defeat such a law Americanism will pass, and this Republic, the greatest experiment in human freedom ever tried, will follow ancient Rome to the grave.

I thoroughly agree with this sentiment. The time for awakening has come. We must preserve American traditions and ideals by limiting the number of immigrants who come into this country to the number we can Americanize now or it will be too late. If my colleagues who oppose this bill on the grounds of discrimination, as they claim, and yet are interested in the future of this great country, why do they not offer a substitute further restricting it? Let them take the 1921 act as the basis and limit it to 1 per cent or one-half of 1 per cent instead of 3 per cent, or, better yet, let them cut out all immigration for a short period, at least until we can Americanize those we already have and deport such of them as we can not Americanize. This is not the bill I would like to vote for. I prefer a closed-door period and I believe a majority of this House does, and I am sure a majority of this country does. I am also in favor of an amendment to this bill providing that all hyphenated Americans be deported; that all who can not under law become citizens eventually and who have been here for five or more years without applying for citizenship should also be deported. There is no room in this country, according to my viewpoint, for any people who become what they term "American citizens" and still retain the country of their birth by a hyphenated expression. When a woman marries a man and goes to live in his home she takes his name and gives up hers. Those who come to live in our home—America—should take our name. This bill should also provide that the many thousands of those who withdrew their applications for citizenship during the World War in order to escape the draft law and who continued to stay here and work in shipyards and other manufacturing establishments at from $10 to $20 a day while our very best young men were forced to go and fight for them should be denied citizenship and deported immediately. I do not care where they came from.

Oh, but they tell us all of us are the children of immigrants. Yes, we are. We are the children of immigrants from all over Europe, but our forefathers came to this country for a different purpose from that which prompts many of those coming to-day. They came for the purpose of setting up the very ideals and the very Government we are so anxious to preserve to-day. I do not want to be understood as saying that some of those who come to-day are not prompted by the best motives, but many of them, you know and I know, are not. The majority of those who have come over in the past several years come for the purpose of gathering a few dollars and either sending or taking it back. They have no idea of our type of Government nor are they interested in it. Many of them are sowing false ideas in the minds of our people for the purpose of disrupting our Government.

The opposition to this bill state that they are for America and American institutions, American standards of living, and for the maintenance of the American labor wage standard. Also, they say they are for selective restricted immigration, yet they oppose the use of the 1890 census as a quota basis. What basis would they adopt? What per cent of the census basis they want would they allow? What restriction except "unassimilable and undesirable" do they offer? Who would they admit belong to that class? No, my friends, those who are opposed to this bill are and always have been opposed to restricted immigration in any sense. If they do favor it, those on the committee and in the House, why do they not offer a better solution? If they feel that this bill is discriminatory, why do they not offer a substitute measure providing for a closed period of five or more years to all immigrants? I would gladly support a substitute of that nature, and I am convinced a majority of this House would.

My colleagues, it is time for the real Americans of this country to say who should and who should not become citizens of this country. Let us keep the trust imposed on us by our forefathers. Let us see to it that the Government set up by them is perpetuated. Let us leave to our children the heritage left us. This is impossible unless we stop the hordes of the Old World from pouring in on us at the rate they have been coming for the past 20 years. For the lack of a more stringent restrictive bill, let us vote unanimously for the Johnson bill.

Mr. SWING. Mr. Speaker, much has been said during the debate on this bill regarding its alleged discriminatory features as if they constituted a serious and grave objection to the bill. But, Mr. Speaker, there can be discrimination "in favor of" as well as discrimination "against," and I favor this bill and intend to vote for it because it discriminates in favor of the American people. When I sit down to a table spread with various kinds of foods I proceed to discriminate in my selections against those foods which experience has shown are not wise to be taken into my body, and discriminate in favor of those foods which when eaten will produce comfort, strength, and health.

The table of immigration is spread for us by foreign countries. We can only, in the first instance, receive such immigrants as the foreign countries are willing to permit to leave their shores, for any country has the right to fix conditions on which its citizens can leave its boundaries, and can, if it sees fit, prohibit any from leaving. This right has been exercised from time to time in the past, particularly during periods of wars when the nation wanted its own citizenship to remain at home to help defend the country. We have never complained of the exercise of that right by foreign countries. We now claim the right, and intend to exercise it, of discriminating in favor of ourselves by selecting from the immigrants offered to us by foreign countries such races, classes, and elements as when taken into our body politic will be readily assimilated and add strength to our Nation. Who has a right to complain of our so doing, and if any foreign country does complain, what right has an American Congress, legislating for the American people, to consider the complaint of some foreign country over how we solve a purely domestic problem because perchance it may interfere with the desires of some of the citizens of that foreign country?

I readily pay a just and merited tribute to the contribution that has been made to this country by those who in years gone by came here from foreign shores to help make America the great Nation that it is to-day. From the time of the Revolutionary War down to the present, the names of foreign born are written high in the history of this country. We are all of us foreigners, one, two, or three generations back. But, it does not follow because unrestricted foreign immigration was good

for our country at one stage of its development that it is good for our country to-day. In the big cities of our country there exist to-day large blocs of unassimilated foreign elements living apart by themselves on whom the melting-pot process has not suceeded in breaking down the barriers of language, custom, and tradition, and will not for many years to come. This condition is dangerous to our body politic and must not be permitted to go on. The time has come when in self-defense we must take into our country only that quantity and quality of immigration that we can readily assimilate.

The Atlantic coast has its problem growing out of immigration from Europe. The Pacific coast has its problem growing out of immigration from the Orient. Ours, however, is the more serious, because we of the West are confronted with an immigration which no length of time can ever succeed in assimilating into our race, for the Japanese are nonassimilable. This bill, therefore, carries a very proper and necessary provision excluding immigrants ineligible to citizenship. The Japanese have no grounds to feel that this proposal is intended as a reflection upon their nation, because it is a regulation operative against the entire yellow and brown races, which constitute one-half of the population of the globe. To permit the Japanese to enter our shores would be to give them a privileged status that is accorded to no other nation or people in the whole yellow and brown races. Furthermore, the Japanese nation can not rightfully complain of our excluding them on economic grounds, and that is fundamentally the ground for their exclusion, because they themselves have done and are doing the same thing in excluding from Japan both the Chinese and Koreans, and they justify their so doing on the same grounds that we do, to wit, that the Japanese people can not compete economically with the Chinese and Koreans.

A serious situation confronts us on the Pacific coast. The actual number of Japanese now with us constitute a serious problem, but if that number is substantially increased the problem will rapidly assume the aspect of a grave menace. We are directly confronted with the question of whether we desire to keep our country American in every particular or whether we are willing to have established within our midst colonies of foreigners who can never become a part of our people and who must always belong to another race and forever owe allegiance keeping America American.

As an extension of my remarks I desire to have included an article from the Clipsheet, published by the Methodist Board of Temperance. While it discusses the situation before the Senate, it is equally applicable to us of the House of Representatives. I have had occasion to meet and know the men who make up this board and to learn of the good work they have done in the past as well as that which they are now doing. They are practical men, guided by common sense, yet fired with a lofty zeal to serve their country and fellow men, contributing their best endeavors unselfishly and patriotically to make our America a better place in which to live.

WHY NOT CONSIDER AMERICA AND AMERICANS?

The Senate of the United States will soon have to decide whether it will pass an immigration law for the benefit of America and Americans, or for the benefit of Rumania, Italy, Poland, Japan, and points east and south.

Rumania objects to the legislation desired by Americans because it will decrease remittances by Rumanians to that country. Italy objects because she feels that she needs a refuge for her surplus population. Japan objects because she feels that her feelings are in danger of being hurt. Poland, it is reported, objects not only to immigration but to the "Americanization" of such Poles as are here and is said to have asked the Vatican to intervene.

Indiana and North Dakota, Texas and Michigan do not object. Neither do 44 other States of the American Union. They are tired of paying the bills for immigrant insanity, pauperism, crime, and lawlessness. In former days they were rather proud that America was an "Asylum for the oppressed." Now they know that unless immigration is stopped or radically changed, America can justly be called an asylum for idiots, and we will be the idiots. Europe seems to consider us an asylum for her incompetents, defectives, delinquents, and criminals.

The Senate of the United States should restore the 1890 census to the immigration bill as a basis of quota. It should do so because it is the sensible thing to do and because it is in the interest of America. The interest of America should precede in the estimation of the Senate the interest of the other countries of the world. Alien blocs in our great cities, faithfully representing the countries to which their hearts give allegiance, have brought pressure to bear upon the Senate to eliminate the 1890 census as a quota basis. The Senate can choose between the alternative of pleasing foreign groups or pleasing the Americans.

Mr. WEFALD. Mr. Speaker, I am sure that this bill will pass and that the 1890 census will be taken as the quota basis. This question is an economic question; we will settle it on that basis mainly. Labor—organized labor—wants restriction of immigration; they are now in the cities enjoying fair wages, but with the stream of immigrants pressing on from the outside and the emigration from the western farm pressing on from within it is only natural that a slow-down or a complete stop in immigration is asked for.

Nor is organized labor alone in this demand. The unorganized labor element now pouring from our farms—that are being devastated by the deflation brought on after the war by our high finance—into our cities at the rate of a million persons a year likewise asks for restriction. Business and professional men have come to have a new outlook upon economical questions. The farmer might be inclined to favor continued immigration, would the present-day immigrant come to the farms; but even in the great Northwest, where the farming class is mainly Scandinavian and German, very little either Scandinavian or German immigration has trickled onto the farms.

Where I live we have not averaged a dozen immigrants a year until now, when some of our German farmers are sending for needy relations in Germany. The young Germans that now come here and come to relatives living on farms would take to farming but farming does not pay, so the farmer is rather indifferent on the immigration question. Some farm organizations tell him that immigration will bring him cheaper help that he needs to compete with countries where wages are lower, but the last couple of years the farmer has done most of his labor with his own immediate family. Small, ordinary retail business men and professional men feel that they will get along better with well-paid and steadily employed native labor, so they favor immigration restrictions.

Big business favors immigration for the reason that the person whose standard of living is lower than that of our own laborers will be willing to work for lower wages. Besides, the bulk of our immigration of late years—that which will be cut down most by the passage of this bill—has gone into the factories in the great manufacturing centers, where the first comers among them now have obtained citizenship and where these see to it that the new arrivals become citizens as soon as they possibly can. These newer additions to our citizenry exert a tremendous pressure on the Members of Congress from the industrial States. It is indeed amusing to see that the blue-blooded Yankees stand in this place and plead for the continued open door for the very people that will shortly, if not now stopped, dispossess them of the very soil they walk on. It is a significant fact that most of the amendments to weaken this bill have come from representatives of the industrial sections.

After the election of McKinley as President, the south European immigration increased tremendously, until in the year 1907 it totaled nearly a million souls, nearly four times as many as the northern immigration. Our captains of industry were solely responsible for that, yet we have people among us who can not understand why we shall take the census of 1890 for our quota basis—that census that shows this country preponderatingly northern with a very small per cent of southern blood in it.

The battle has been raging on the floor of this House as to whether or not this bill is discriminatory against certain nationals. The gentleman from New York [Mr. JACOBSTEIN] in pleading for the Madden amendment for an average quota of the 1890, 1900, 1910, and 1920 census which would increase the total numbers by about 50,000 gave the very best reason for the adoption of the 1890 census as a quota basis in the plea he made against it when he said that the immigration into the United States from 1860 to 1890 was 75 per cent from the northern countries of Europe. That is exactly why the 1890 census is being used for the purpose of figuring the quota basis. That is why people hailing from some of the northern countries, like the Scandinavian countries, are for this basis, even though under this bill the quota from the Scandinavian countries will be cut about 50 per cent from what the present law allows.

The people who came to this country as immigrants before 1900 were the ones who settled the great West and who had then also laid the foundations for our great cities. These people came here at the call of the American people that wanted the great agricultural resources developed. They did not crowd any other people out of the way by cutting wages; they were people used to a high standard of living. The immigration that came after that date came here and crowded people already here out of work by being willing to work for

a lower wage and were able to live on less. They came here at the bidding of our barons of industry. That is the difference.

These later comers have been useful citizens, and I for one hold them the equal of anybody, but the mass of our people in their inscrutable wisdom have made up their mind that immigration shall stop for a while, at least until all of these shall have lifted themselves up to the American level of a standard of living. Our standard of living is the highest of any country of the world and we do not want to lower it.

This question is our own to solve in the manner we see fit to solve it. The glory of no European country lies within the borders of the United States. We do not intend to close the door because we were here first; we close it because it is our door. We are now under a reaction of the effects of the World War; we are sick and tired of Europe and all its works; we want to develop our character along our own lines. We have heard so much sneer about the superiority of the great nations of Europe that we now want to close the door more tightly while we take stock of ourselves. We do not wish to advise Europe on any question, but should we wish to do so we would remind her of the fact that there is plenty of room in many other places. South America, Australia, Canada, and Africa still have untold acres to put under cultivation, and in Europe many people claim a foundation has been laid for a new civilization better than ours. If that is the case we say, go to Russia with her limitless natural resources and grow up with the new civilization. We ask no favors of anybody; we wish only to be allowed to mind our own affairs for a while. Those who oppose this bill make light of the fears that some of its strongest supporters have expressed over deterioration, as they call it, of our national fabric.

Yet there is some truth in this. I for one am not afraid of the radical ideas that some might bring with them. Ideas you can not keep out anyway, but the leadership of our intellectual life in many of its phases has come into the hands of these clever newcomers who have no sympathy with our old-time American ideals nor with those of northern Europe, who detect our weaknesses and pander to them and get wealthy through the disservices they render us.

Our whole system of amusements has been taken over by men who came here on the crest of the south and east European immigration. They produce our horrible film stories, they compose and dish out to us our jazz music, they write many of the books we read, and edit our magazines and newspapers. In time, when they get rooted here, they will perhaps render us real services in these, the greatest fields of cultural endeavor, but to-day the real American spirit is foreign to them. At that, some of them render real service. I wish to quote a few sentences from a book of one of the cleverest scoffers of the breed that will show how necessary it really is to stop in our mad rush and take stock of ourselves. What I quote is, of course, cut loose from its context, but it speaks loudly, it behooves us to ask if we really look like that to the rest of the world. It is one of the cleverest of the writers who are most in vogue who speaks here. Let us look ourselves in the mirror before we close the door on Europe. If we look like that we surely should shut the door tight. It reads:

> Third-rate men, of course, exist in all countries, but it is only here that they are in full control of the State, and with it of all the national standards. The land was peopled, not by the hardy adventurers of legend, but simply by incompetents who could not get on at home, and the lavishness of nature that they found here, the vast ease with which they could get livings, confirmed and augmented their native incompetence.

The writer then goes on to tell how the winning of the West was accomplished at a small sacrifice and then speaks of the immigrants that have come to our shores since that time, and this, I think, is of interest in this discussion:

> The immigrants who have come since those early days have been, if anything, of even lower grade than their forerunners. The old notion that the United States is peopled by the offspring of brave, idealistic, and liberty-loving minorities, who revolted against injustice, bigotry, and medievalism at home—this notion is fast succumbing to the alarmed study that has been given of late to the immigration of recent years.
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> The truth is that the majority of non-Anglo-Saxon immigrants since the Revolution, like the majority of Anglo-Saxon immigrants before the Revolution, have been not the superior men of their native lands, but the botched and unfit; Irishmen starving to death in Ireland; Germans unable to weather the "Sturm und Drang" of the post-Napoleonic reorganization; Italians weed-grown on exhausted soil; Scandinavians run to all bone and no brain; Jews too incompetent to swindle even the barbarous peasants of Russia, Poland, and Rumania. Here and there among the immigrants, of course, there may be a bravo or even a superman—e. g., the ancestors of Volstead, Ponzi, Jack Dempsey, Schwab, Daugherty, Debs, Pershing—but the average newcomer is and always has been simply a poor fish.

In the following, in which he pays his respect to the Anglo-Saxon majority and recounts the cultural accomplishments of the immigrants of other nationalities, he gives stronger reasons than has been given on this floor for restriction of immigration. The Anglo-Saxon is a second-rater; he stands at one end of the line, the Jew at the other. The Jew's only shortcoming is that he too readily puts on the outer garments of Americanism; all that stands in between these two is of no account, the Scandinavian the most worthless of all.

But read it:

> The average American of the Anglo-Saxon majority in truth is simply a second-rate Englishman, and so it is no wonder that he is spontaneously servile, despite all his democratic denial of superiorities, to what he conceives to be first-rate Englishmen. He corresponds roughly to an English Nonconformist of the better-fed variety, and he shows all the familiar characters of the breed. He is truculent and cocksure, and yet he knows how to take off his hat when a bishop of the establishment passes. He is hot against the dukes, and yet the notice of a concrete duke is singing in his heart. It seems to me that this inferior Anglo-Saxon is losing his old dominance in the United States—that is, biologically. But he will keep his cultural primacy for a long, long while in spite of the overwhelming inrush of men of other races, if only because those newcomers are even more clearly inferior than he is. Nine-tenths of the Italians, for example, who have come to these shores in late years have brought no more of the essential culture of Italy with them than so many horned cattle would have brought.
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> If they become civilized at all, settling here, it is the civilization of the Anglo-Saxon majority that they acquire—which is to say, the civilization of the English second table. So with the Germans, the Scandinavians, and even the Jews and the Irish. The Germans, taking one with another, are on the cultural level of green grocers. I have come into contact with a great many of them since 1914, some of them of considerable wealth and even of fashionable pretensions. In the whole lot I can think of but a score or two who could name offhand the principal works of Thomas Mann, Otto Julius Bierbaum, Ludwig Thoma, or Hugo von Hofmannsthal. They know much more about Mutt and Jeff than they know about Goethe. The Scandinavians are even worse. The majority of them are mere clods, and they are sucked into the Knights of Pythias, the chautauqua, and the Methodist Church almost as soon as they land; it is by no means a mere accident that the national prohibition enforcement act bears the name of a man theoretically of blood of Gustavus Vasa, Svend of the Forked Beard, and Eric the Red. The Irish in the United States are scarcely touched by the revival of Irish culture, despite their melodramatic concern with Irish politics. During the war they supplied diligent and dependable agents to the Anglo-Saxon white terror, and at all times they are very susceptible to political and social bribery. As for the Jews, they change their names to Burton, Thompson, and Cecil in order to qualify as true Americans, and when they are accepted and rewarded in the national coin they renounce Moses altogether and get themselves baptized in St. Bartholomew's Church.

Being of Scandinavian blood, I confess that I am dull, a "clod" as this writer puts it, but I think there is much in our life here for the common man that Europe has not yet begun to dream of. Almost all Scandinavians in this country live in better homes than did their ancestors in the old countries, and yet for the common run of men conditions in those countries have been more livable than in any of the other countries of Europe.

These big, heavy, hard-working Scandinavians have stored up the material for one of the stanzas of the great American epic that will some day be written—and it will not be written by the scoffers—the taking and the building of the great Northwest. These foolish Scandinavians have gone on working and living from the fruits of their own toil, built up real American farm homes, built more churches and schoolhouses than have any other breeds of men here, and they are now the backbone of the progressive movement that is coming out of the West. They owned, according to the last census, as much value in farm lands as the Germans, and those of Norwegian blood alone owned as much of farm values as all those classed as English, Scotch, Welsh, and Irish.

The people of Scandinavian blood are overwhelmingly for this bill. Whether there is any cause for alarm or not, time will tell. They own a considerable slice of the fruitful soil of this country. Maybe it is because they are only "clods" that they have always so easily become assimilated in the country they have settled down in.

Yet these "clods" have in times gone by given the world something that the creators and bearers of the great civiliza-

tions did not give it. I can not resist the temptation to quote a few sentences from an article written by an American, Mr. Price Collier, in 1914, upon a trip to Norway, in which he, among other things, says of these people:

Like a dash of salt spray, they have awakened into more vigorous life whatever people they have flung themselves upon, from Normandy and Dublin to Minnesota.

Speaking of the emigration of the Scandinavian countries, he says:

We in America may be grateful that we have had the bulk of it. There were 403,877 Norwegians, 665,207 Swedes, and 181,649 Danes settled in America in 1910. After visiting their country you wish that there were 20 times that number. They have held more closely to the rigorous independence that inspired the signing of Magna Charta, the beheading of Charles I, the sailing to the west of the Pilgrim Fathers, and the Declaration of Independence than any other nation. Indeed, this is the cradle of all our Anglo-Saxon independence, morals, temperament, and liberties.

The proper place for a statue to Liberty, with all the world to choose from, would be on one of these bleak promontories on the west coast of Norway, jutting out into the sea toward England and America.

Have not men from those countries brought something with them here worth while?

This bill, as it will be passed, will cut the immigration from the Scandinavian countries in half. Over 19,000 persons less will be admitted per year than under the present law. Yet there has been no protest raised by the Scandinavian element here. It is now an integral part of this Nation. Having now, in material ways, planted their feet squarely upon American soil, they begin to compete in intellectual fields of endeavor with the world at large and their kinfolk in the northern countries. They may yet be "clods," but they are of the same blood as those who in their light ships first ventured out of sight of land and first discovered America, of the same blood as those who first planted their flag at the South Pole, of the same blood as those who a few years ago as nations parted company and dissolved their union without war and bloodshed, the sanest people upon the face of the earth to-day.

These people are Americans.

Mr. COLE of Ohio. Mr. Speaker and gentlemen of the House, the primal obligation of every American is to exercise himself in an endeavor to do the best he can for the welfare of the country. All that we have, all that we are, and all that we can hope to be is involved in the integrity of the American Nation. In my support of this bill I am controlled by the emotion within me that it is best for America.

It takes people to make a nation. Sweeping plains and majestic streams, sublime mountains and diversified climate never made a nation. Our Nation was created when the people came here. The same thing is true of all countries. The people themselves must make their nation and work out their own destiny.

The great hordes of people now at the threshold of our Nation seeking admission are not here because they hope to be of greater service to the race but are here for personal and selfish reasons, running away from obligations at home, seeking a haven of ease and comfort for themselves.

The question that occurs to me is why do they want to come here? Is it because they love us more than they do their own country, or is it because they are undertaking to run away from obligations that an honest, patriotic man would be proud to perform?

If the same conditions prevailed in their own country as prevail here, they would not want to come. They are sacrificing their patriotism, if they ever had any, on the altar of personal comfort. What are the conditions in their home country that induce them to want to come here? It must be because they are not willing to face the situation at home. Adversity and discomfort, instead of driving a man from his home, should be the most impelling reason for his staying there. Sadness and burdens in one's home should be the call for him to be there, and it is such a call for every true American. If we insist upon it for ourselves, why should we not demand it of other people?

Who among you would honor the man that would desert his own home in time of peril? I sit here and witness almost every day and agree to a unanimous consent that Members shall be relieved of their obligations here because of sickness in their families, and they go home and remain there until relief comes. We would not have respect for them if they did otherwise.

Home is an appealing word. Few of us now live where we were born and reared, but we still remember the old home. I find no fault with him who has a love for his old home, but when he has left that old home and established another or adopted a new country, his loyalty and devotion should be directed to the responsibilities of that new home or country. If that be not his attitude, he is not worthy of his new home, and should be compelled to return to the place whence he came.

When I was a boy there was on our farm a long lane that led down to the woodland where the sugar camp was. As a barefoot boy I used to travel up and down that old lane. The memory of that time is one of the most appealing emotions of my life. There were the old people whom I knew in that day whose loyalty to the principles of morality and whose adherence to the precepts of the Bible could never be questioned; whose Christian devotion now should be the guiding influence of the whole country, and so long as our people practice those principles the integrity of our Nation shall be assured. There were also the young men and maidens as well as the prattling children with whom I attended school in the old schoolhouse down by the crossroads. All of which engenders within me an emotion and love for the old home that nothing can destroy, and I find no fault with him who has a supreme affection for his home.

Down that lane, long and narrow, that led to the woodland where the wild things reigned alone, where the tuneful birds of the merry springtime mingled their sweet carols with the laughing waters of the winding streams and the sighs of the budding trees; and where the effulgent beams of the morning sun spread a golden mantle over the landscape, enlivening all nature; where the gorgeous hues of the sunset clouds, their radiant splendor scintillating athwart the azure skies, kissed the mellow moonbeams good night; where "silently, one by one, in the infinite meadows of heaven blossomed the lovely stars, the forget-me-nots of the angels," whose brilliance pierce the milky texture of mundane gloom and permit the mortal vision to sweep the immensity of stellar infinity, and where in our youth enraptured we stood in the midst of the variegated hues of the autumnal foliage that poured round all and permeated all the rich aroma of blossoming and mature nature, all of which had a tendency to lift the soul beyond the dull monotonies of life and waft it away into the radiant realms of ethereal bliss.

This describes, perhaps, the home of most of us here. And no one shall find fault with him who has regard and love for that old home, and condemnation should not be heaped upon him in whose bosom still throbs the affections for his old home.

But when he has left that old home and has assumed the responsibilities of a home of his own, his loyalty and devotion, if he be a true citizen, will be to his adopted home. All honor to him who feels an affectionate regard for his native land, but his loyalty belongs to the country which he has adopted. If he did not have a deep feeling for the home that gave him birth he certainly could not be a worthy citizen of any country.

No man worthy of the name would desert his family in time of sickness and distress. Every man that is worthy at all will deem it a duty to be at home when sickness and sorrow is there.

Europe is sick. The nations there are in distress. They have natural resources; but as I said in the beginning, natural resources do not make a nation. It is the people that make the nation. There never in the world was presented to any people a greater and better opportunity to do service for mankind than is presented to the people of the nations in Europe to-day. Service to the race is the fundamental obligation of everybody. If a man be able to fulfil the requirements that permit him admission here, he is the very man who ought to stay at home. Can he perform the duties of citizenship and his obligations to civilization better by coming among a people whose language he does not know and with whose institutions he is not familiar than by staying in his home country, where the people know his language and where he could exercise himself, if he care to, in an endeavor to help his own people? Why should he not stay home? What service to humanity can he hope to render here more fully than in his own country?

He must feel, who deserts his own country and undertakes to enter here, like one who says: "Let my kith and kin and country work and suffer and die, but let me live in ease and comfort." Why should we prefer one or a hundred? In that preference we undertake, under the regulations, to select the very best people of the foreign countries. Before one can be admitted here he must prove himself to be a worthy citizen of his own country, and that is where he should be at a time when his country is in distress, and he should be compelled to remain there. We can not admit all of them.

The poor and decrepit we compel to stay at home and work out their own destinies, but the man who is capable and can pass the test will be admitted here. If his poor kin must remain in their home country and work out their own destinies,

why should he be permitted to come away and desert them in this, their time of need?

I described to you awhile ago the old home and conditions that prevailed there. That was just an illustration of how one should feel with reference to his nation. Who among you, if your country were in distress and peril, would desert and expatriate to Europe or any European nation? Who among you would not rather sacrifice his life than to run away from troubles in his own country? Who among you who are worthy of citizenship here would desert his country in time of stress and need?

In that regard nobody can express my sentiment more beautifully than did Ruth when she said to Naomi:

Entreat me not to leave thee, or to return from following after thee: For whither thou goest, I will go; and where thou lodgest, I will lodge: Thy people shall be my people, and thy God my God:

Where thou diest, I will die, and there will I be buried: The Lord do so to me, and more also, if aught but death part thee and me.

If that sentiment should be in the souls of these people, there would be no need of laws to govern immigration.

A man that will desert his home in time of trouble will never be worthy as a citizen of any country at any time. What wonderful opportunity they now have for service to their homeland if they could but get the vision. And they can not get that vision by coming here. That vision of the possibilities of their own country is a restored order and worked-out destiny, befitting the day and age of our civilization. To do that is achievement. In that is triumph. That is victory. And that is the highest purpose and privilege of mankind. If he be worthy of citizenship in any country, he will be loyal to his own first. If he be not loyal to his own country, how can we expect him to be loyal to ours?

It has been said that the bars should be down by reason of the industrial situation in this country; that these foreigners are needed to work in our industrial enterprises. My answer to that is that I had rather have fewer factories than more foreigners who are unfamiliar with our life and customs and who will probably not undertake to familiarize themselves with our institutions. This is America! Let it be maintained for Americans!

We are not seeking sanctuary in any other nation. Why should they wish to do so here? They leave home and country and come to us, feeling that they personally shall have greater comfort than they have in their home land. We do not need them as citizens. Coming here, they do not understand, neither are they understood. And in the great scheme of things, all of which has to do with the development of the human race, certainly they can be of greater service where they are interested and understood than any other place in the world.

We do not need them here. They are needed there. Let us compel them, so far as we can, to stay there.

EXTENDING TERM OF RENT COMMISSION

Mr. BLANTON. Mr. Speaker, I ask unanimous consent to address the House for half a minute.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. BLANTON. Mr. Speaker and gentlemen of the House you have all received a circular regarding housing conditions. I have spent a number of days investigating this matter, and I want to give you the benefit of my investigation so that you will have it in the RECORD before we take up the bill on Monday. I ask unanimous consent, Mr. Speaker, to extend my remarks on that subject in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. BLANTON. Mr. Speaker, the Lampert bill, H. R. 7962, seeking to extend the rent commission, and raising salaries, and adding new employees, will come before the House for consideration next Monday. I am filing a minority report against it.

A sincere desire to keep unimpaired our basic laws, and to benefit permanently the present almost unbearable housing situation in our Nation's Capital, impels me to oppose this makeshift legislation. The path of least resistance always is most enticing. It is much more easily trod. It demands no effort. Agreeing to everything is like drifting down stream. Opposing the majority requires swimming against the mighty current.

PREPARING MINORITY REPORTS IS UNINTERESTING HARD WORK

Analyzing and investigating proposed legislation has worked me many times beyond midnight. But such lonely hours of toil have not been in vain. In the gas tax bill the committee sought to exempt five-sixths of all Washingtonians from paying a property tax on automobiles. The House, Senate, and conferees backed my minority report by placing the property tax in the bill, and refused to permit such tax dodgers to escape. Then with my lone vote against the committee reporting the insurance bill, my minority report forced the immediate resignation of the superintendent of insurance. Then concerning the teacher's salary bill, I proposed to the chairman and the subcommittee chairman, that if they would reduce the maximum salary from $10,000 to $7,500, I would file no minority report. They refused, and the House backed my report and amendment by forcing the reduction to $7,500.

This demonstrates two things: (1) that the majority of a committee is not always right; and (2) that the House welcomes all facts connected with proposed legislation, and if in your minority report you can convince the membership that a bill is detrimental rather than beneficial, the House will unhesitatingly back you. Thus encouraged, I am willing to perform the arduous labor incident to preparing this adverse report.

FROM THE VIEWPOINT OF THE TENANT

I am a tenant myself. I have been a tenant ever since I have been in Congress. During 1917 and 1918 I rented a substantial brick residence on East Capitol Street within six blocks of the Capitol, embracing three stories, basement, good front and back yards, with double—brick—garage for $50 per month, with never an unkind word between myself and landlord. I am now renting an unfurnished house not so large, with no yards and no garage, at $100 per month, and until recently I paid $120 per month for same. I have no interest whatever in any rental property or real-estate dealer anywhere. Hence I approach the study of this question wholly from the standpoint of the tenant who must watch his budget to make his expenditures come within his income.

CHRONOLOGICAL HISTORY

During the war the Sixty-fifth Congress passed a resolution which became effective May 31, 1918, titled:

To prevent rent profiteering in the District of Columbia.

It recited that it was a war emergency act and should terminate when a treaty of peace was signed between the United States and Germany, and it prevented a landlord from dispossessing a tenant. It was a war emergency. The Government had brought to Washington about 75,000 additional employees. Housing facilities were inadequate. Numerous business interests sent representatives to Washington. Some avaricious rent profiteers doubled and trebled their rents overnight. But the resolution did not stop profiteering. Tenants would sublet at big profits. Subtenants would in turn sublet at additional profits. On one occasion I found eight girls occupying a large room on a third floor, with four double beds and little else in the room, and all eight were paying $25 per month for such miserable accommodation. One died at a time when others in the room were sick. The poor girl, being from my district, brought this situation to my attention.

Then, after the armistice, Congress passed an act, becoming effective July 11, 1919, extending the life of said "antirent-profiteering resolution" for a period of 90 days following the definite conclusion of peace between us and Germany.

And then becoming effective October 22, 1919, Congress passed the Ball Rent Act, as a continuing "war emergency," which was to terminate on October 22, 1921, which created a Rent Commission of three commissioners at a salary of $5,000 per year, and a secretary at $3,000 per year, and authorized it to pass on rentals and prevented owners from dispossessing tenants. To show that it was deemed merely a temporary war emergency, let me quote from it the following section:

SEC. 122. It is hereby declared that the provisions of this title are made necessary by emergencies growing out of the war with the Imperial German Government, resulting in rental conditions in the District of Columbia dangerous to the public health and burdensome to public officers and employees whose duties require them to reside within the District and other persons whose activities are essential to the maintenance and comfort of such officers and employees, and thereby embarrassing the Federal Government in the transaction of the public business. It is also declared that this title shall be considered temporary legislation, and that it shall terminate on the expiration of two years from the date of the passage of this act, unless sooner repealed.

Then Congress passed an extending act, becoming effective August 24, 1921, extending the Rent Commission until May 22, 1922, and allowing such commission an attorney at $5,000 per year.

I supported each and all of said laws as emergency measures made necessary by reason of the war and conditions following the war. When the chairman of the committee refused to have the bill considered, I joined certain members of the committee who forced its favorable report over the protests of the chairman. And when the chairman refused to call it up in the House I joined members of the committee who forced the bill to be taken up and passed over the fight made against it by the chairman of the committee. I was willing to continue it the seven months from October 22, 1921, to May 22, 1922, for I knew that some heartless property owners would force tenants to vacate after the law expired on October 22, 1922, and I was afraid that, with winter coming on, some hardships might ensue.

SITUATION IN MAY, 1922

Up to May, 1922, no beneficial results whatever had been effected by the rent commission. For nearly five years property had been withheld from lawful owners by the rental laws and owners were forced to keep in their property undesirable tenants, yet rents continued to advance. Tenants generally became abusive both of the owner and his property. Some tenants injured property at will, and if the owner made any protest he would be told to "Go to; you can't put me out, for the law protects me." Practically every owner was more or less harassed, threatened, and abused, and was forced to employ attorneys for protection. Many owners and real estate men became hard boiled and sought to squeeze out of their tenants every dollar possible under the law. The Rent Commission was able to touch only one little edge of one side of the situation. Whenever it decided that certain rooms of certain specifications in a particular apartment house were worth so much per room as a fair, reasonable rental, real estate speculators would immediately take advantage of it by raising the rent on like rooms in every similar apartment where the rental was not up to that standard set, and the Rent Commission, bound by its own decisions, would be thus used as an instrumentality in raising rents instead of lowering them. And for every apartment that they would lower they would cause raises in a hundred others.

THEREFORE FOUGHT FURTHER EXTENSION IN MAY, 1922

This Rent Commission, which was purely an emergency of war, and when first initiated was declared to be temporary, should have expired and gone out of existence on May 22, 1922. But "it is easier for a camel to go through the eye of a needle" than it is to jar loose even temporary employees from the pay roll of the Government.

So very naturally the new Ball Rent Act extending its life two more years to May 22, 1924, and increasing the commission to five commissioners was passed by the Senate. It also provided that where the landlord collected more rent than was authorized by the commission the attorney furnished by the Government at $5,000 should recover same by suit for such tenant.

I realized then that the next step would be to make this commission a permanent institution of the Government. And I then did everything within my power to defeat it, but the House passed it. And since 1918 property rented here in the District of Columbia has been kept from its lawful owners by law. Many owners have desired to occupy their own property, only to be accused by the tenant and the commission of "not wanting same in good faith," followed by a decision denying them such right. Tenants have abused property at will. Tenants have insulted the owners of property and told that they would remain in the property as long as they desired and that they could not be put out, as the law would not permit it. And they could stay there under the law, because the law did not permit the owner to put them out. At all times during the past two years there have been several hundred desirable residences vacant in Washington because the owners did not want to take chances on getting in their property an undesirable tenant which they would not be able to put out by law. These owners would have been glad to rent such properties had it not been for such Rent Commission. The owners of several thousand vacant lots would have been glad to erect substantial houses on same for rent had it not been for such Rent Commission. Hundreds of new residences during the past five years have been built all over the city and not one single one of them has been offered for rent because the owner could not afford to take chances on getting on his hands for life an undesirable tenant whom he could not put out by law. There has been numerous unlawful combines and monopolies formed for the purpose of taking advantage of decisions of the Rent Commission, through fictitious sales of property, pyramiding second, third, fourth, and fifth trusts upon same through dummy transactions, made solely for the purpose of increasing rents. Where the Rent Commission has lowered one rental at least 100 rentals have been raised in consequence of some decision of the Rent Commission.

Let me illustrate: Our distinguished former colleague, Hon. Rufus Hardy, owns the Riviera Apartments at 2310 Ashmead Place, which cost over $200,000. The Rent Commission fixed the rental there at $19.78 per room. Speculative realtors keep posted on such decisions and where they have found similar apartments with similar conveniences renting for $10 or $12 or $15 per room they purchase same and immediately raise the rents to $19.78 per room, and the Rent Commission is estopped by its own decision from interfering with such transactions.

SENATOR BALL NOW PROPOSES A PERMANENT RENT COMMISSION

There was introduced in the United States Senate on January 21, 1924, by Senator BALL his new rent bill, S. 2110, to establish a permanent Rent Commission, with salaries raised, new officers, an unlimited number of assistant attorneys at $3,000, and an unlimited number of stenographers at $2,000. I quote from such bill the following:

SEC. 6. Each commissioner shall receive a salary of $7,500 per annum. The commission shall appoint an attorney at a salary not to exceed $5,000 per annum, and such assistant attorneys at salaries not to exceed $3,000 per annum as the commission may deem proper and necessary to carry into effect the intent of this act. The commission shall also appoint a secretary who shall receive a salary of $4,000 per annum, a field engineer at a salary not to exceed $3,600 per annum, and may appoint such stenographic reporters, capable of taking testimony verbatim at all hearings of the commission, at salaries not to exceed $2,000 per annum. All such appointees shall be removable at the pleasure of the commission. Subject to the United States civil service laws, the commission may appoint and remove such other officers, employees, and agents as may be necessary to the administration of this act. All salaries shall be paid semimonthly.

And the bill provides that the Rent Commission shall determine not only the amount of rent that the tenant shall pay but also the kind of service that the owner shall furnish, and authorizes the owner to be fined $1,000 and imprisoned for one year if he disobeys the commission. I quote from the bill the following:

SEC. 55. Any person who after the passage of this act (1) willfully fails to furnish the tenants of any rental property or apartment such service (a) as has ordinarily been furnished the tenant of such rental property or apartment prior to such failure, or (b) as is required either expressly or impliedly to be furnished by the lease or other contract for the use or occupancy of the rental property or apartment, or any extension thereof by operation of law, or (2) who with intent to avoid the provisions of this act enters into any agreement or arrangement for the payment of any bonus or other consideration in connection with any lease or other contract for the use or occupancy of any rental property or apartment or who participates in any fictitious sale or other device or arrangement the purpose of which is to grant or obtain the use or occupancy of any rental property or apartment without subjecting such use or occupancy to the provisions of this act or to the jurisdiction of the commission, shall in either case be guilty of a misdemeanor, shall be prosecuted in the same manner as prescribed for other misdemeanors in the District of Columbia, and upon conviction be punished by a fine not exceeding $1,000, or by imprisonment for not exceeding one year, or by both.

PRESENT LAMPERT BILL VERY SIMILAR

There is very little difference between the Lampert bill in the House and the Ball bill in the Senate. The Lampert bill extends the Rent Commission to August 1, 1926, but should it go to the Senate the Ball provisions making it permanent would be substituted. The Lampert bill grants the five commissioners an increase of $1,000 in salary, while the Ball bill grants them an increase of $2,500 each. In addition to the punishment prescribed in the Ball bill the Lampert bill adds an additional punishment, which from the bill I quote as follows:

SEC. 54. Any owner, lessor, landlord, or rental agent of any rental property or apartment in the District of Columbia who, having knowledge that the commission had previously fixed and determined the fair and reasonable rent or compensation to be charged therefor, collects or demands from the tenant rent or compensation for the use or occupancy of the said rental property or apartment in an amount in excess of the rate previously fixed and determined by the commission shall, upon conviction, be punished by a fine not exceeding $1,000, or by imprisonment for not exceeding one year, or by both.

OUT-HERODING HEROD

I have had a wide experience as an attorney at law for over a quarter of a century, eight years of which I presided as judge over a circuit court. I have tried hundreds of cases in

courthouses involving almost every kind of legal question imaginable. But never before have I seen any proceeding that matched the hearing on this bill. In my judgment, never has there appeared before Congress a better organized, more determined lobby than that constituted by the five rent commissioners, the three representatives of organized labor, and the three ladies, who attended practically every session of our extended hearings, which began February 11, 1924, and who made it miserable for any property owner who dared to testify before our committee. The few witnesses who did dare to testify in favor of the property owners' side and against extending the commission were subjected to rigid cross-examination not only by the rent commissioners but also by tenants present and a representative of organized labor, and in many instances the examination bordered on incivility. And, seeking fair play, when I would attempt to develop all phases of the situation attempts were made to insult me, although a member of the committee. Let me quote just a few excerpts from this voluminous record of 450 printed pages. While Mr. McKeever was testifying he was insulted by Mr. Whaley, Chairman of the Rent Commission, as follows:

Mr. WHALEY. I was the commissioner who said that I was not familiar with all of the tenant laws of the District of Columbia. I still say so, and I am not called on as a rent commissioner to know how to dispossess one of a house, or to know how to collect the rent for landlords.

We have, time and again, requests that we collect rent for landlords and I tell them that the law provides that they go to the municipal court and collect. They have also the charge made here inferentially that the landlords never get any increase that the commission makes. I want to say that is not true.

Mr. MCKEEVER. Did I make that charge?

Mr. WHALEY. Well, I am not making any personal reference, but if you want to you can wear the cap.

Mr. BLANTON. I want to say that these real estate people are here with rights as much as anybody else, and they have no right to be insulted by the chairman of the Rent Commission.

Mr. METZEROTT. Do you think the Rent Commission ought to be insulted?

Mr. BLANTON. I have not heard any improper personalities except the last one. There ought to be some order here before the committee. If we are going to have personal insults brought up that way, respectable people are not going to come before the congressional committee to testify. The Rent Commission has probably a little advantage of the witnesses here. I have a kindly feeling for our former colleague, Mr. Whaley, and he knows it; but I do not think he has the right to talk that way to a witness here. This man has his views. He has a right to state them, without being insulted by Chairman Whaley, and I submit that such matters should be kept out of the hearing.

It will be remembered that Mr. Metzerott and Mrs. Taylor are both rent commissioners, and that Mr. Adams was one of the representatives of organized labor. The following also occurred while Mr. McKeever was on the stand:

Mr. BLANTON. I want to ask him one question, so that the whole matter connected with extending the Rent Commission may be understood. Mr. McKeever, I have taken the time to read a good many letters that I have received, both from the tenants and landlords. I have gone into them quite thoroughly. I notice a great many letters I have received from landlords start out with this, saying:

> "I can't afford to come before your committee because I feel that I would prejudice myself with the Rent Commission if I appeared; that I would be placing myself in an attitude of antagonism toward the Rent Commission, and if they saw fit they could injure me very materially."

Is there that feeling generally among the landlords?

Mr. MCKEEVER. That feeling is nearly 100 per cent. I have been warned time and again not to make the statements I made this morning but I said I didn't care about the Rent Commission. And with the present Rent Commission I believe no matter what I say here or do, and when I go down there they will not pay any attention to——

Mr. BLANTON. Well, I am not criticizing you, but I am trying to find out if that fear exists generally.

Mr. MCKEEVER. That fear exists, and there is a greater fear than the feeling of the tenant against the landlord. * * * I don't believe any of the landlords I know of who are right-minded and fair-minded men would consider any testimony of a tenant against him as long as he stuck to the truth. But if he came down here and lied about things and stated things that were not true we would probably consider him an undesirable tenant.

Mr. LAMPERT. Then you think the landlords are afraid of the Rent Commission, but the tenants have no reason to be afraid of the landlords?

Mr. METZEROTT. All I want to state is that Mr. McKeever now states that he can get a fair hearing before the Rent Commission. In his opening statement he did not feel that way. In his opening statement he saw fit to attack the testimony of Mrs. Taylor, one of the members of the commission, and she was not present, and we would like to have an opportunity now for her to reply to that.

Mr. HAMMER. It was to-day that he said her testimony ought to be stricken out.

Mr. METZEROTT. To-day was the first time I heard him testify.

Mr. HAMMER. You do not object to Mr. Adams asking these questions, because certainly there are some questions that ought to be explained?

Mr. METZEROTT. No. But I think that Mrs. Taylor ought to be given the opportunity now to explain.

Mrs. TAYLOR. Mr. McKeever tells me—I was not here when he made the statement. I heard something about it outside. He tells me that he said this morning, that I stated in answer to his question: "Did you color the facts?" I said, "Yes." I certainly could not have understood him properly if he put such a question as that to me. I thought he said to me: "Did you come here with the facts?" Mr. McKeever does not articulate as clearly as the people from the State I came from. He says, "C'mere" for "come here" and such as that. He says, "Did you come here with the facts?" I said, "Yes, I did," and I went on to say we were more or less embarrassed by it because we thought it was the tenant's place to come here instead of the commission's place, so we have been asked to come here and we came for that purpose. I am very sorry he misunderstood me. I would like to say we have never colored any facts that we have ever brought before the committee. Furthermore, I think he made some statement about my saying if there were any houses in the District of Columbia at the present time they were in bad condition, and I should not have made such a statement without havin investigated such houses, and he thought I had not done that because I had not given any addresses.

Mr. BLANTON. * * *. If the Rent Commission were able to keep all these landlords from improperly raising their rents up, I might fight for your commission most strongly. If you had brought about that condition I would sing your praises forever. That is the trouble. Rents are still high and seem to be still advancing. But they are afraid to come here and testify against you. So they raise the rents instead.

Mr. MCKEEVER. What I was quoting Mrs. Taylor was when I asked her was, "Did you come here to color the facts?" the answer to my question was, "The Rent Commission was embarrassed in having to do that." The rest of it was, "The tenants are not all organized so that the Rent Commission has to fight their fight."

I say it is very inappropriate for any equity court to come down here and fight for one side of the people who are before them.

In another statement, in connection with the survey, she says:

> "They are taking everything that could possibly be called a house or habitation. Some of them are so impossible you can not even imagine them."

And Mrs. Taylor had not seen them. I think she meant right, but she talked all around the facts. I also quoted one other fellow who said he was not familiar with the tenant laws and I challenge you to show that is not in the testimony.

Mr. HAMMER. Let me suggest that that is on the line of some judges I know. When a poor colored fellow comes up and has not a lawyer, the judge says, "I will take care of him," meaning to say that he will ask the questions.

Mr. MCKEEVER. That is all right, as long as Mrs. Taylor has explained it. It is all right and if there is any apology to be made I will gladly make it.

Mr. METZEROTT. It may be all right with you, Mr. McKeever, but not with Mrs. Taylor.

Now, what do you suppose the few property owners who dared to attend the hearing understood from that last parting shot from Rent Commissioner Metzerott when he said:

It may be all right with you, Mr. McKeever, but not with Mrs. Taylor—

Who was another rent commissioner. Did it not suggest to them that if they dared to attempt to dissect any testimony given by rent commissioners it would not be all right, but would be remembered against them hereafter? And in this connection I want to state that I never saw a braver man on the witness stand than Mr. McKeever. Let me quote another excerpt:

Mr. WHALEY. I want to reply to the statement that the landlords are afraid to come to the Rent Commission. * * *

* * * * * * *

Mr. MCKEEVER. You misunderstood Mr. BLANTON'S statement. He did not say that they were all afraid of the Rent Commission. He said that they were afraid of their testimony here against the Rent Commission; that it might have some effect later on.

Mr. HAMMER. That would be the same thing.

(Some man in the audience insisted on cross-examining Mr. McKeever.)

Mr. BLANTON. I object to anybody here in the audience asking questions for this reason: We have 437,000 people living here. If one asks questions, all of these witnesses, every one of these people, have the right to ask questions.

Mr. LAMPERT. The gentleman on the other side represents the real estate people and this gentleman here, Mr. Adams, represents organized labor.

Mr. BLANTON. I have no objection to the representative of any organization asking questions, but individuals I do object to. If this gentleman represents an organization, he has a perfect right to ask questions. * * *

Is it not a fact that from New Jersey Avenue up to Twelfth Street NW., on out as far as Central High School, and then on out Georgia Avenue and Sherman Avenue, and even streets like Irving and Kenyon east of Thirteenth Street, and back this way along through that section of the city, that there are some real nice two and three story brick houses all along those streets that are occupied by colored people?

Mr. MCKEEVER. There are very many of them.

Mr. BLANTON. They are first-class brick houses, with basements and garages and first and second and even third stories in them, some with modern improvements, occupied by colored people.

Mr. MCKEEVER. I would like to point out that colored people to-day are making a great deal more money. I used to employ these men at $2 and $3 a day, laying cement, but the plasterers insisted that we should take them into their unions, which they are doing. Now we are paying them $10 a day.

Mr. ADAMS. It has been suggested before I asked the question that I intended to ask, I want to make some reply to remarks that were made in regard to questioning of individuals. It has been conceded that it was the right of the organized interests to examine every individual who has been put on the stand during these hearings without any question, but now my good friend from Texas objects.

Mr. BLANTON. I object to being lectured by the gentleman.

Mr. ADAMS. I am not going to lecture the gentleman. I am just going to quote him.

Mr. BLANTON. The House is in session now and I object——

Mr. ADAMS. I will leave him out then.

We are going to demand the right to ask the other side questions. When I say we, I mean a class of people, not only organized labor. We did not come down here to be arbitrary. We have not sent our delegation here with a small——

Mr. BLANTON (interposing). I make a point of order that we have no right to sit here longer. The House is now in session for it is 12 o'clock. We have no right to meet when the House is in session, and I make that point of order.

Mr. HAMMER. I move that we adjourn, inasmuch as a point of order has been made.

CROSS-EXAMINATION FURTHER ILLUSTRATED

At the risk of being tedious, let me quote from the hearings just how other property owners were cross-examined by first one rent commissioner and then another (Mr. Petty being the property owner, and Mr. Peeney and Mr. Whaley being rent commissioners, and Mr. Whaley being chairman of the board):

Mr. PETTY. Yes; that is governed entirely by the law of supply and demand. There is no reason in logic why a man who has an object that is worth $50 should not be entitled to receive $50 for that.

Mr. MCLEOD. If he can get $60 instead of $50, he will get it, as a rule.

Mr. PETTY. That is different. That is not exactly what I meant. If a man has a proposition worth $50 it is not right and logical that he should be denied the privilege of obtaining $50 simply because somebody else is not in position to pay $50.

Mr. MCLEOD. I agree with that.

Mr. PETTY. It is fundamentally wrong in that respect that somebody else should get hold of it.

Mr. WHALEY. You stated a few moments ago that you had decided thousands of cases.

Mr. PETTY. I did not say thousands. I said scores.

Mr. WHALEY. Scores of cases in your own membership as to questions of adjustment.

Mr. PETTY. I did not say in my own membership.

Mr. WHALEY. What did you say?

Mr. PETTY. I said between real estate brokers and buyers and sellers in real estate as well as practices in general.

Mr. WHALEY. That is, in the real estate business you have to adjust differences?

Mr. PETTY. Yes.

Mr. WHALEY. Do you not think it is fair, if you have to do that between real-estate men who are dealing with property, that the tenants ought to have some place where they could adjust their differences with the landlord?

Mr. PETTY. You misunderstand me entirely. I am not talking about cases. I am talking about practices that grow out of real estate, and as a matter of fact, for your information if you do not know it, there are only 130 brokers in the Washington Real Estate Board. But there were 560 licenses issued in Washington last year to real-estate brokers.

Mr. WHALEY. But you have to arbitrate their cases.

Mr. PETTY. No, sir.

Mr. WHALEY. You do not arbitrate at all?

Mr. PETTY. There are questions that come up.

Mr. WHALEY. You arbitrate when your members have a dispute wether a man should pay one price or another. Do you not arbitrate?

Mr. PETTY. No, sir; you are absolutely wrong. The arbitration feature of our board is this: If you have been in the real-estate business you should know and should not ask me the question.

Mr. WHALEY. Well, answer it.

Mr. PETTY. The arbitration in respect to our work is simply this: That in real-estate practice or in real-estate competition questions arise sometimes as to whether this broker or that broker was a party and had earned the commission or whether this broker or that broker conformed with the rules that are laid down by the board, and things of that sort.

Mr. WHALEY. Just construction of the contract, express or implied?

Mr. PETTY. Not a construction of the contract at all, but a construction, you might say, of conduct, not contract, but of conduct in the practice. You see what I mean?

Mr. WHALEY. Yes.

Mr. PETTY. It is not that we go into the price of it.

Mr. WHALEY. Just the ethical side of it?

Mr. PETTY. Purely ethics.

Mr. WHALEY. You do not pass on the question of whether he has lived up to his agreement in earning a commission?

Mr. PETTY. If he is a member of the board; yes.

Mr. WHALEY. That is what I am asking you; in your board.

Mr. PETTY. In other words, we would investigate any complaint against any member of the board.

Mr. WHALEY. That is the particular question I started with.

Mr. PETTY. I did not mean to say that I was handling scores of cases against members of the board. The scores were matters of differences of opinion in general competition.

Mr. WHALEY. Ethics?

Mr. PETTY. Ethics.

Mr. WHALEY. But you did have to handle questions of construction of contract?

Mr. PETTY. What?

Mr. WHALEY. Whether a man had earned a commission which they had to divide.

Mr. PETTY. As between brokers; yes. That is what I meant when I say practices.

Mr. WHALEY. You made the remark that during the war prices were increased or adjusted in a good many of these cases.

Mr. PETTY. No, sir; I did not say anything of the kind.

THEN RENT COMMISSIONER PEENEY PUT HIM THROUGH A SWEAT

Mr. PEENEY. I was very much interested when you said that we arrived at values. I know you do not mean to criticize any member of the commission as to their method of rating values personally.

Mr. PETTY. I do not think there is anything in my prepared statement.

Mr. PEENEY. Just now when you talked extemporaneously you said that the commission was not qualified, only having probably four or five years' experience.

Mr. PETTY. I did not put it just that way. What I implied was this, that we as real estate men naturally feel that you commissioners not having had the same experience in real estate work that we have had over periods of years, would naturally feel, and we can not help but feel, that you are not as qualified to fix values as you would have been had you been engaged in the real estate practice.

Mr. PEENY. Is that any different from what I just said?

Mr. PETTY. I do not know.

Mr. PEENEY. I do not think there is any difference.

Mr. PETTY. I might say this, that I am very unfamiliar with cross-examination. This is the first time I have been cross-examined in my life.

AND ORGANIZED LABOR HAD TO GIVE HIM A ROUND

Mr. ADAMS. How do you account for the fact in your statement that a large amount of residential property selling at from $5,000 to $10,000 is being sold as rapidly in the past year, 1923, as it could be built? Is it not a fact that they are selling these houses as fast as they can be built?

Mr. PETTY. I do not believe that there has been such rapid selling in the past year as a few years preceding, but the only way I can account for selling in the past year, or the fact that they are apparently selling rapidly, is by two fundamental reasons. The first is

that tenants are gradually getting to understand and appreciate that home ownership is the only solution of their problems and the only wise and safe course to pursue. The second reason is that the people are gradually coming to believe that the values in Washington are as stable as they could possibly be anywhere in the world and are willing to invest their savings here.

Mr. ADAMS. That being true, and it being an established fact that there is a shortage of houses renting for $50 and under, and yet these houses that are selling for $5,000 to $10,000, being sold to and occupied by the poor class of people as rapidly as they can be built, yet you say the population of the city is being stabilized or that it stands still. How do you account for that?

Mr. PETTY. I do not quite understand. The question is a little complex.

Mr. ADAMS. You say that the lower class of people, the poorer class of people, have come to the idea that it is better policy to buy a new house than it is to rent. That being true, if the population of the city is at a standstill, carrying out your theory, you would have the house out of which they have moved to occupy the new house which they buy, and would not those houses naturally be available for tenants, while, on the other hand, the fact is that they are not available?

Mr. PETTY. You misunderstand me first.

Mr. ADAMS. Probably I did.

Mr. PETTY. I did not mean to say that the population of Washington was stabilized in that sense. What I meant to bring out was the fact that the readjustment of population due to the letting out of this vast number of Government employees had been accomplished and that our population is not standing still. It may normally and gradually increase in a city as attractive as Washington. Those folks that are buying these various houses come from different parts of the city and buy different types of property. Many of them come out of apartment houses. I did not say that the people who are paying $50 rent are buying houses, or the people who are paying $100 rent; I just said tenants. I have no information to lead me to believe that the tenants paying $50 rent are buying houses as distinguished from tenants who pay $100, or any other class of tenants.

Mr. ADAMS. If you will permit me to make one observation, I am engaged in the building industry, and I know from personal knowledge and observation that that is the class of people who are buying these houses I mentioned. I will state further from observation and personal knowledge that the people who rent houses at $50 and less, not over $60, are the people who are buying these lower priced houses, and the reason of that is that there are no houses for rent. There have been two and three and four families doubling up, piled up in different houses in this city, and they are buying these houses, gradually being thinned out because of the lack of necessary houses to take care of the renters.

Mr. PEENEY. You in your statement inferred that the people generally who were favoring the extension of this act were actuated more or less by personal interest.

Mr. PETTY. I was referring primarily to tenants, and I think my testimony rather clearly stated that that was my intention.

THEN OVER THE HOT COALS BY ANOTHER RENT COMMISSIONER

Mrs. TAYLOR. Is it possible that that antagonism was created by increase in rentals?

Mr. PETTY. Not so much, in my judgment, as the fact that the conditions that existed here just naturally tended to that. The tenant was in a position where he knew that the landlord could not do anything and in many instances it was held as a sledge hammer over the head of the landlord, and the landlord would go to the tenant and make a quiet effort to get some kind of just increase of compensation because of change in conditions, and if the tenant did not want to show any spirit of compromise, after that a mutual disagreement and ill feeling arose and I am very frank to say that there are perhaps many times more tenants in Washington who are satisfied and agreeable and paying the rent. I do not mean that the ill feeling of which I speak is general with landlords and tenants, but it exists where conditions have arisen as described.

Mrs. TAYLOR. Do you not think it is engendered more because of the fact that if the rent is increased the money has to come out of the tenant's pocket and if it is decreased it comes out of the landlord's pocket? Is not that where the ill feeling is engendered?

Mr. PETTY. It is unwillingness on the part of both.

Mrs. TAYLOR. It is just human?

Mr. PETTY. It is human selfishness in both. I am not here to say that there has not been greed and selfishness on the part of landlords. There has been a great deal of it, more so during the war when the peak was on, where they had freedom of operation until rent legislation came along. There was greed among selfish landlords; but I know from personal experience, Mr. Chairman, that real estate men as a general thing discouraged unfair and exorbitant rent increases; in fact, I know of offices that have deliberately refused to cooperate with owners in increasing rents exorbitantly, and have said, "I would lose the property before enforcing an increase on the tenant." I know of offices that did not raise the rent or attempt to raise it during that period. It applies to individual landlords the same way. The real estate man has not the same interest in the amount of rent that the landlord has. The real estate man's interest is governed by his rental commission, which is nominal. The real estate man's view in getting away from this rent law personally is not that he wants to make more money out of his rent commissions. He would like to get away from that continuous annoyance and waste of time and unfortunate situation that has grown out of this whole proposition. There is no spirit of antagonism, Mr. Chairman, I believe, and Mrs. Taylor, on the part of the real estate men as a class toward the Rent Commission. I think the real estate men as a class, as you have probably found in your work, have not been antagonistic and unfair even to the Rent Commission.

Mr. TAYLOR. Very few of them have been.

And if you will carefully read the 450 pages of hearings it will convince you that the few other property owners, or representatives, were cross-examined in a very abrupt way by not only the various rent commissioners but in many instances by various bystanders.

CHAIRMAN WHALEY CORRECTED

Mr. Whaley, chairman of the rent commission, testified that he had every confidence in Harry Wardman, one of the largest realtors in the city, who had been before the commission time and again, and that they had found him absolutely honest and straightforward in his testimony. Then he testified:

Mr. WHALEY. That was the case of the Prince Karl, 1901 K Street NW. Now, there was a piece in the papers some time ago stating that second-trust notes were bringing as high as 20 per cent. In the case of 1511 Twenty-second Street NW., I asked Mr. Wardman in regard to that. My question to him was this:

"Is it true that second-trust notes are bringing as high as 20 per cent?" His answer was: "They are getting as high as 40 per cent. I borrowed money yesterday on second-trust notes at 40 per cent."

Mr. BLANTON. With regard to interest on second-trust notes, you said that Mr. Wardman testified that on second-trust notes they were paying as high as 40 per cent.

Mr. WHALEY. That is his sworn testimony.

Mr. BLANTON. His sworn testimony?

Mr. WHALEY. Yes.

Mr. BLANTON. But the chairman can go to any bank in Washington and borrow money on his note for 6 per cent interest.

Mr. WHALEY. I have not done it, but I am glad to know that it can be done.

Mr. BLANTON. Well, I have done it. Sometimes I have had to borrow money.

Mr. WARDMAN. Mr. Whaley, I was not in the hearing room when you were speaking regarding these heavy rents.

Mr. WHALEY. I will say that I read your testimony where I asked you about rents and about second-mortgage notes. I read about where I asked you if it were true that second-mortgage notes were being discounted at 20 per cent. I read the testimony, Mr. Wardman, which was given by you before the commission. I will read it to you again, if you wish me to.

It is the case of 1511 Twenty-second Street NW (No. 8505). [Reading:]

"Following a discussion between Mr. Wardman and Mr. A. F. Walker, Mr. Whaley asked Mr. Wardman the following question, and Mr. Wardman answered:

"Mr. WHALEY. Mr. Wardman, this is outside of the record in this case. Is it true that second-trust notes are bringing as high as 20 per cent?

"Answer. They are getting as high as 40 per cent. I borrowed money yesterday on second-trust notes at 40 per cent."

Mr. WARDMAN. You are entirely wrong.

Mr. WHALEY. But that is testimony given by you before the commission.

Mr. WARDMAN. That is not my testimony. My testimony is that I have never paid more than 10 per cent unless it was a long-time payment.

Mr. WHALEY. To the best of your knowledge to-day, is money being loaned at 40 per cent on second-trust notes?

Mr. WARDMAN. Let me tell you about 40 per cent. Forty per cent notes are mostly 30 per cent notes. They are overvalued. I never knew of a 40 per cent second-trust note in the history of Washington. I have sold a lot of them; I have sold them by the million.

Mr. BLANTON. Suppose a second-trust note bears 7 per cent interest, and it is a first-class note; is it good security?

Mr. WARDMAN. It is.

Mr. BLANTON. Can that be cashed at par?

Mr. WARDMAN. That depends on how long it is to run. If it is a first-class second-trust note, you could discount it at 10 per cent, or very often at par.

Mr. WHALEY. But you must remember that there are lots of properties that change hands time and time again.

Mr. WARDMAN. I want to say that that is not my testimony you referred to. That testimony must be stricken out, because I have never made an assertion of that kind.

Mr. WHALEY. It was taken down by a stenographer in the hearing room.

Mr. WARDMAN. I do not care; that is not my testimony.

Mr. WHALEY. My statement was made based on this testimony.

Mr. WARDMAN. It is not my testimony.

Mr. WHALEY. I heard you say it.

Mr. WARDMAN. It is not my testimony. You might go along and read further down.

Mr. BLANTON. When a man's signature is good at the bank he can go to the bank and get the money at 6 per cent, can he not?

Mr. WARDMAN. If he is good, yes. If he goes beyond his line, they stop him until he catches up again.

Mr. BLANTON. Where the man is good, they will give him money at 6 per cent, will they not?

Mr. WARDMAN. Yes; they will give me a million dollars to-day.

RENT COMMISSION KNEW ABSOLUTELY NOTHING OF VACANCIES

While Mr. Whaley, chairman of the Rent Commission, was testifying, the following occurred:

Mr. BLANTON. Mr. Chairman, I should like to ask the chairman of the Rent Commission a question.

Have you or your commission made any survey of the city to find out how many vacant residences and apartments there are?

Mr. WHALEY. We have not. The only way we can do that, Mr. BLANTON, is to find out when these cases are under consideration by us. In almost every case that we have heard the landlord has put in a claim for a vacancy, and we say, "All right, prove your vacancy." In no case that I can now recall that has come up before the commission have they been able to prove vacancies so as to get an allowance. They may have been able to prove a vacancy for a period of, say, two weeks; but when you figure it up they withdraw it before the end of the case.

Mr. BLANTON. If there were vacant residences and apartments in the city you would have nothing to do with them, would you? They would not be brought to your attention, would they?

Mr. WHALEY. No, sir; we have no money to make a survey. We have but very little money anyway.

Mr. BLANTON. You are very naturally interested in knowing how many vacant residences there are. I am not talking about apartments. You are naturally interested in knowing how many vacant residences there are, are you not?

Mr. WHALEY. I think so. We could find that out in a week's time.

Mr. BLANTON. Have you ever made an attempt to find that out?

Mr. WHALEY. No, sir; we have $51,000 to run a commission composed of five. That amount really was provided for a commission of three. They held one court per day, but we hold four. On the first of this July this commission found itself 800 cases behind.

Mr. BLANTON. There are many apartment houses that contain just two or three or four or five or six rooms, of the character of which I spoke. Has your commission made any attempt to make a survey of the number of vacancies in such apartment houses as I have been speaking about?

Mr. WHALEY. Not for their vacancies; no. But if one apartment is taken before us, we go into the whole apartment house and find out the number of vacancies.

Mr. BLANTON. Outside of the cases you have reference to, have you made any survey to find out how many vacancies there are in the small apartments? I am referring to those that do not come before you.

Mr. WHALEY. No.

Mr. BLANTON. You do not know about that?

Mr. WHALEY. No.

Mr. BLANTON. Have you made any survey outside of the cases that come before you to find out how many vacancies there are in the large apartment houses?

Mr. WHALEY. Only as to those that come before us.

Mr. BLANTON. Then you do not know about the vacancies existing in this city?

Mr. WHALEY. No, sir.

INSISTED ON HAVING A SURVEY OF VACANCIES

Having personal knowledge of the fact that there were several hundred vacant residences, several hundred vacant apartments, and many vacant rooms being offered for rent, and there were several hundred vacant residences being offered for sale but not for rent, I insisted that our committee should have a survey made of all vacancies in the city, and I introduced a resolution in the House authorizing such survey to be done by the police department, which would not have cost a single dollar. The District Commissioners reported that it would take 100 policemen two months to do the work, and the committee refused to pass the resolution. I quote the following from the hearings concerning it:

Mr. MCKEEVER. Is the Rent Commission afraid of the survey?

Mr. PEENEY. Not at all. We welcome any information that we can get.

Mr. HAMMER. The gentleman is referring to the statement in the committee room. We called on the District Commissioners to make the survey, if they could. They wrote to the chairman of our District Committee that it would take 100 policemen two months.

Mr. MCKEEVER. Why should it? You must remember that Mr. Oyster is interested in this, and he is a fair man.

Mr. HAMMER. He is a fair man. I know him.

Mr. MCKEEVER. I am inclined to think he might be opposed to it at this time.

Mr. HAMMER. He is a very sensible man and a very good commissioner.

Mr. MCKEEVER. You are aware of the fact that Senator BALL had a resolution passed in the Senate.

Mr. HAMMER. They have not had a hearing.

Mr. MCKEEVER. Yesterday the chairman of the contingent fund reported out favorably a fund of $2,500 with which to make the survey. It was passed over on to the regular calendar, because I think Senator MOSES objected. I think that will come out. Why not wait until that survey is made?

Mr. HAMMER. Didn't you say it was not practical to make this survey?

Mr. MCKEEVER. No, sir. I said it was not proper to have the police take the survey except under proper direction.

Mr. HAMMER. Three Senators have been appointed to make it and they ought to be able to direct it. I would like to see those Senators take it.

Mr. WHALEY. You have sat here for two weeks to-night getting a survey from the real estate men of Washington, and if they can not furnish you a survey it is impossible for you to ride around this town and get it. It is not fooling me a bit, and it is not fooling the members of the committee. The object of urging the survey evidently is that we are losing time in reporting this bill, and every day that is lost it means there is a possibility of this bill not being reported and this act will die, and if you have a survey extending over three or four weeks there will be a broad smile on my friends' faces, and a whole lot of disgust on the part of the tenants of this town who will not be smiling, and you will not be accomplishing any more than the information you have got to-night. You can not make the survey. Mr. Oyster says 100 policemen, working 8 hours a day, can make the survey in two months. How can three or four of us go around in a machine and make a survey of this kind in a reasonable time? I have been on the Rent Commission for eight months and have been over every section of this town. I know the conditions just as well as the rest of the real estate men. Of course, I have not been in the business, but I go on inspections of properties, and it will not be possible for you to gain a thing by attempting to make a survey.

Mr. HAMMER. I would like to see the stately three Senators going around and taking the survey.

Mr. MCKEEVER. They will not do that. If the Post Office Department decides to take the survey, how long do you think it will take?

Mr. HAMMER. It would take two years that way.

Mr. MCKEEVER. Why can it not be done now?

Mr. HAMMER. I suggested at the early part of the meeting that we do that, but the gentleman in charge insisted on the police.

Mr. MCKEEVER. The survey can be made. We do not want to delay it. We want it as quickly as possible.

Mr. ADAMS. We have argued this situation for the last two weeks. Why, if you would appoint a committee of Congress to investigate the mining conditions in the West, or throughout Pennsylvania, you would not expect this committee to go to the mines, not at all. In the course of two weeks you could not even investigate properly 50 houses and apartments and do it right.

SURVEY OF VACANT PROPERTY AUTHORIZED BY SENATE

The survey authorized by the Senate, mentioned in the foregoing referred to Senate Resolution No. 158, which was passed by the Senate of the United States on February 28, 1924, authorizing its District of Columbia Committee to expend $2,500 in making a survey of rental property.

This afternoon during the consideration of the immigration bill on the floor of this House there was distributed to each Member of the House a printed copy of a seven-page document, dated April 3, 1924, addressed to the Senate Committee on the District of Columbia and signed by Alfred B. Moore purporting to be the person who conducted the rental survey for the Senate. But instead of procuring and reporting the specific information required by the Senate in its resolution No. 158, Mr. Alfred B. Moore devoted the major portion of said document to an adroit, partisan, argument favoring the extension of the Rent Commission. Inasmuch as this measure is to come before this House for consideration as the special order

next Monday, it is clearly apparent that whoever had this partisan argument in favor of extension of the Rent Commission distributed on the floor of the House this afternoon did so in an attempt to influence the action of the House on such bill next Monday. During my seven years' service in this House this is the most brazen lobbying I have witnessed in all of the propaganda that has been pressed upon us. Mr. Alfred B. Moore states that he had this survey made by the police department, and also sent a questionnaire to the real-estate men, and he reports the following vacant dwellings and apartments offered for rental, to wit:

	Apartments	Dwellings
Schedule A, up to $24 per month	10	38
Schedule B, $25 to $50 per month	221	76
Schedule C, $51 to $75 per month	335	87
Schedule D, $76 to $100 per month	189	71
Schedule E, $101 to $150 per month	36	63
Schedule F, $151 to $200 per month	10	21
Schedule G, $201 to $250 per month	2	18
Schedule H, $251 and upward per month	3	17
Total	806	391

In view of the fact that he employs the term "usable" in referring to such data as he deemed worthy of consideration, and he lists only 1,197 vacancies, which he states that the census disclosed 1,352, the question arises, Is he, his work, and his report reliable?

THE ALFRED B. MOORE SECRET REPORT

The newspapers report that Mr. Alfred B. Moore exhausted the $2,500 allowed him by the Senate and requested an additional $5,000, which he needed in investigating various criminal organizations disclosed in an alleged secret report he had made to the Senate. And I note that on April 7, 1924, the Senate of the United States passed Senate Resolution 203, granting the additional $5,000 requested by Mr. Alfred B. Moore. The distinguished chairman of the Senate District Committee very kindly permitted me to read this secret report, and I violate no confidence in stating that there are no facts set forth therein that were unknown to me before I read it. In my months of investigation carried on here I had discovered just such facts as he disclosed. But such facts had just the contrary effect upon me that they had upon Mr. Alfred B. Moore. They convinced me that the real estate crooks disclosed in such report were thriving on the Rent Commission and using it every day of its existence to cheat, rob, and defraud the people without any of such commissioners being aware of such use. Not one of the real estate men who testified before the House committee against extending the Rent Commission was in any way involved in the charges made in said secret report, but concerned individuals who had not appeared before our committee during any of its extended hearings. And in my judgment the existence of the several evils and crooked manipulations mentioned by said Alfred B. Moore in said secret report had grown up as a natural result of the existence of this Rent Commission and will continue as long as the Rent Commission continues, for there are ample laws already existing to put such crooks out of commission, provided the present laws are enforced. And the record of Mr. Alfred B. Moore for obedience to law and in refraining from making false pretenses and in refraining from embezzling the funds of other people is so bad that I can not accept his reports and recommendations.

I have before me a duly certified court record showing that at Wilmington, Del., the grand jury found a bill of indictment against said Alfred B. Moore in November, 1921, term of court, charging him with "false pretenses" in obtaining a check for $1,750 and a mortgage on property; also in said court at said time said grand jury found another bill of indictment against said Alfred B. Moore, charging him with "false pretenses" and designing and intending to cheat and defraud one William J. Elliott of certain money, goods, chattels, and property; also in said court at said time the grand jury found another bill of indictment against said Alfred B. Moore, charging him with embezzlement of $1,600.

I also set out here in full a certified copy of a judgment of the court and an indictment charging said Alfred B. Moore with embezzlement of one check for $500 and one check for $1,100, and that on January 10, 1922, said Alfred B. Moore pleaded guilty and the court assessed his punishment at $500 fine and imprisonment for two years ending January 9, 1924; and if he served his full term under such sentence he has only been out since January 9, 1924. I quote said court records, as follows:

In the Court of General Sessions of the State of Delaware in and for New Castle County, January term, A. D. 1922

INDICTMENT—EMBEZZLEMENT BY BAILEE

State, No. 21, *v.* Alfred B. Moore. True bill

Witness: Chas. L. Meiler.

And now, to wit, this 10th day of November, A. D. 1921, the defendant, being brought to the bar of the court, pleads not guilty.

And now, to wit, this 13th day of December, A. D. 1921, continued to January term, A. D. 1922, by agreement.

And now, to wit, this 10th day of January, A. D. 1922, the defendant aforesaid, being again brought to the bar of the court, withdraws his plea of not guilty and enters one of guilty.

Whereupon the court immediately consider and adjudge that the defendant aforesaid shall forfeit and pay a fine of $500; be imprisoned two years, commencing on the 10th day of January, A. D. 1922, and ending on the 9th day of January, A. D. 1924; pay the costs of this prosecution; and is committed to the custody of the board of trustees of the New Castle County Workhouse until this sentence is executed.

Present:

MORDECAI S. PLUMMER, *Warden.*

NOVEMBER TERM, 1921.

NEW CASTLE COUNTY, *ss:*

The grand inquest for the State of Delaware and the body of New Castle County, on their oath and affirmation, respectively, do present that Alfred B. Moore, late of Wilmington Hundred, in the county aforesaid, on the 25th day of April, in the year of our Lord 1921, with force and arms at Wilmington Hundred, in the county aforesaid, he, the said Alfred B. Moore, being then and there the bailee of a certain check drawn by a certain Charles L. Meiler to the order of the said Alfred B. Moore for the payment of the sum of $500, did then and there unlawfully convert the same, to wit, the said check for the payment of the sum of $500, to his own use, the said check for the payment of the sum of $500 then and there being the property of a certain Charles L. Meiler, against the form of the act of the general assembly in such case made and provided, and against the peace and dignity of the State.

2. And the jurors aforesaid, on their oath and affirmation, respectively as aforesaid, do further present that Alfred B. Moore, late of Wilmington Hundred, in the county aforesaid, on the 25th day of April, in the year of our Lord 1921, with force and arms at Wilmington Hundred, in the country aforesaid, he, the said Alfred B. Moore, being then and there the bailee of a certain check drawn by a certain Charles L. Meiler to the order of the said Alfred B. Moore for the payment of the sum of $500, did then and there unlawfully embezzle the same, to wit, the said check for the payment of the sum of $500; the said check for the payment of the sum of $500 then and there being the property of a certain Charles L. Meiler, against the form of the act of the general assembly in such case made and provided, and against the peace and dignity of the State.

3. And the jurors aforesaid on their oath and affirmation, respectively as aforesaid, do further present that Alfred B. Moore, late of Wilmington Hundred in the county aforesaid, on the 31st day of May, in the year of our Lord 1921, with force and arms at Wilmington Hundred, in the county aforesaid, he, the said, Alfred B. Moore, being then and there the bailee of a certain check drawn by a certain Charles L. Meiler to the order of the said Alfred B. Moore for the payment of the sum of $1,100 did then and there unlawfully convert the same, to wit, the said check for the payment of the sum of $1,100, to his own use, the said check for the payment of the sum of $1,100 then and there being the property of a certain Charles L. Meiler, against the form of the act of the general assembly in such case made and provided, and against the peace and dignity of the State.

4. And the jurors aforesaid, on their oath and affirmation, respectively as aforesaid, do further present that Alfred B. Moore, late of Wilmington Hundred, in the county aforesaid, on the 31st day of May in the year of our Lord 1921, with force and arms at Wilmington Hundred, in the county aforesaid, he, the said Alfred B. Moore, being then and there the bailee of a certain check drawn by a certain Charles L. Meiler to the order of the said Alfred B. Moore for the payment of the sum of $1,100, did then and there unlawfully embezzle the same, to wit, the said check for the payment of the sum of $1,100, the said check for the payment of the sum of $1,100 then and there being the property of a certain Charles L. Meiler, against the form of the act of the general assembly in such case made and provided and against the peace and dignity of the State.

5. And the jurors aforesaid on their oath and affirmation, respectively as aforesaid, do further present that Alfred B. Moore, late of Wilmington Hundred, in the county aforesaid, on the 31st day of May in the year of our Lord 1921, with force and arms at Wilmington Hundred, in the county aforesaid, he, the said Alfred B. Moore, being then and there the bailee of certain paper money and sundry coins, the denominations of which are unknown, of the aggregate

value of $1,600, did then and there unlawfully convert the same, to wit, the said paper money and sundry coins of the aggregate value of $1,600, to his own use, the said paper money and sundry coins of the aggregate value of $1,600 then and there being the moneys and property of a certain Charles L. Meiler, against the form of the act of the general assembly in such case made and provided and against the peace and dignity of the State.

6. And the jurors aforesaid on their oath and affirmation, respectively as aforesaid, do further present that Alfred B. Moore, late of Wilmington Hundred, in the county aforesaid, on the 31st day of May in the year of our Lord 1921, with force and arms at Wilmington Hundred, in the county aforesaid, he, the said Alfred B. Moore, being then and there the bailee of certain paper money and sundry coins, the denominations of which are unknown, of the aggregate value of $1,600, did then and there unlawfully embezzle the same, to wit, the said paper money and sundry coins of the aggregate value of $1,600, the said paper money and sundry coins of the aggregate value of $1,600 then and there being the moneys and property of a certain Charles L. Meiler against the form of the act of the general assembly in such case made and provided and against the peace and dignity of the State.

(Signed) SYLVESTER D. TOWNSEND, Jr.,
Attorney General.

(Signed) By C. A. SOUTHERLAND,
Deputy Attorney General.

No. 21. November term, 1921

State *v.* Alfred B. Moore. Indictment—Embezzlement by bailee

Witness: CHARLES L. MEILER.

True bill.

JOHN W. LAWSON, *Foreman.*
WM. LYONS, Jr., *Secretary.*

STATE OF DELAWARE,
New Castle County, ss:

I, John L. Wright, clerk of the peace in and for the county of New Castle, State of Delaware, and as such clerk of the court of general sessions, do hereby certify that the above and foregoing is a true and correct copy of the indictment and record of the court in the within stated case.

In witness whereof I have hereunto set my hand and affixed the seal of the said court of Wilmington, Del., this 10th day of April, A. D. 1924.

[SEAL.] JOHN L. WRIGHT,
Clerk of the Peace.
By W. W. DOUTY,
Deputy.

NINE HUNDRED VACANT ROOMS IN YOUNG MEN'S CHRISTIAN ASSOCIATION

THE YOUNG MEN'S CHRISTIAN ASSOCIATION,
Washington, February 25, 1924.

Hon. FLORIAN LAMPERT,
Chairman of the Rent Commission, Washington, D. C.

DEAR SIR: The social department of the Young Men's Christian Association has maintained for the past 15 years a department of employment and room exchange. For the services of the room exchange a nominal fee of $1 per house was charged for listing for the period of one year.

At the present time we have on our files a listing of approximately 900 vacant rooms.

Respectfully submitted. FRANK E. SUTCH,
Director of Employment.

Mr. HAMMER. Did he state what price they are?

Mr. MCKEEVER. No.

Mr. HAMMER. I have been sending boys down here to get accommodations, and they have been charging them the same that they did at hotels.

A FEW DAYS LATER

Mr. MCKEEVER. I have only one or two matters here. I stated last night that the Young Men's Christian Association had 900 rooms, and you questioned the rent. I have received the following letter from Mr. L. W. De Gast, associate general secretary, which I will not read but will submit for the record.

The letter is as follows:

THE YOUNG MEN'S CHRISTIAN ASSOCIATION
OF THE CITY OF WASHINGTON,
Washington, D. C., February 26, 1924.

Mr. R. L. MCKEEVER,
Chairman of the Washington Association of Building Owners and Managers, Washington, D. C.

MY DEAR MR. MCKEEVER: My attention has just been called to certain statements made by Congressmen at a hearing of the subcommittee sitting on the housing situation in the District of Columbia in which it was stated that we were charging from $3 to $4 per day per person for the rooms in our dormitories.

I am taking this opportunity to give you the following information: We have in our central main building and boys' building, 1732 and 1736 G Street NW., 135 rooms, most of them used as double rooms; that is, for two persons. Our lowest rate for the double rooms—that is, two persons in each room—is $13.50 per person per month. A few of our single rooms—one person in each room—are rented out at the rate of $24 per month. The average amount paid by the young men living in our dormitories is approximately $15 per month.

In addition to the above rooms rented out on the monthly basis, we maintain approximately 18 rooms in the building known as the Y. M. C. A. Annex, 1704 G Street, for transients. The rental charged for these is $1 per person per night for those occupying double rooms and $1.50 per person per night for single rooms.

In addition to the rooms rented by the Young Men's Christian Association in its own building we have a list of approximately 1,500 rooms in Washington and of that number there are now 900 vacant. The general prices charged by the persons conducting these rooming houses are from $15 to $20 per person for single rooms and from $12.50 to $15 per person per month for double rooms.

Trusting this information will aid you in getting a proper understanding of the situation, I am,

Sincerely yours,

L. W. DEGAST,
Associate General Secretary.

Mr. HAMMER. The only reason I suggested that was because two disabled World War veterans came here from my district and wanted to get an apartment for a week and they had no money, and I sent them down there and they came back and told me that they could not get any rooms for less than $1.50 a day. That is all I know about it.

SOME VACANT APARTMENTS

Mr. DEAN. But what we are after is apartments at $50 and under.

Mr. HAMMER. I think I should have set a little higher figure.

Mr. DEAN. We could have put in a few more, I think. It would have helped us. However, this shows a total of 141 vacancies at $50 and less.

Mr. LAMPERT. You mean 141 apartments.

Mr. DEAN. Yes; I might say, because I wish to be perfectly fair, in this statement there appear five which will run more, because here and there I find a one-room apartment, kitchenette and bath, which, I assume, Mr. HAMMER thinks will not solve the problem. There are 141 apartments, some of them running as high as nine rooms, a number of five rooms, and a number of four rooms, more of three rooms, and a certain number of these one-room apartments, which Mr. Wardman described last night. I want to submit that list.

The list referred to is as follows:

A summary of vacant apartments reported by 50 real estate firms as renting for $50 or less per month, showing a total of 141

1 apartment, 1321 Belmont Street NW., 1 room, kitchen, and bath	$50.00
2 apartments, 1448 Girard Street NW., 1 room, kitchen, and bath, each	50.00
1 apartment, 1030 Seventh Street NW., fourth floor, 2 rooms, kitchen, and bath	40.00
1 apartment, 1329 G Street NW., third floor, 3 rooms, kitchen, and bath	27.50
1 apartment, 2800 Connecticut Avenue, 2 rooms, kitchen, and bath	45.00
1 apartment, C Street, 52 to 56, 4 rooms, kitchen, and bath	45.00
1 apartment, C Street, 52 to 56, 5 rooms, kitchen, and bath	40.00
8 apartments, 1717 R Street NW., 1 room, d/a, and bath	45.00
7 apartments, 1717 R Street NW., 1 room, d/a, and bath	47.50
6 apartments, 1717 R Street NW., 1 room, d/a, and bath	50.00
1 apartment, 1712 Sixteenth Street NW., 1 room and bath	40.00
2 apartments, 2200 Nineteenth Street NW., 1 room and bath, each	45.00
2 apartments, North Capitol and Randolph Streets, 3 rooms and bath, each	50.00
1 apartment, 114 Quincy Street NE., 2 rooms, kitchen, and bath	40.00
1 apartment, 1003 K Street SE., 4 rooms and bath	22.50
1 apartment, 737 Fourth Street SE., 3 rooms and bath	25.00
1 apartment, 636 North Capitol Street, 3 rooms and bath	37.50
1 apartment, 428 Thirteenth Street SE. (furnished), 4 rooms and bath	40.00
1 apartment, 5946 Georgia Avenue NW., 5 rooms and bath	45.00
1 apartment, 490 Virginia Avenue SW., 9 rooms and bath	35.00
1 apartment, 809 North Capitol Street, 3 rooms and bath	32.50
1 apartment, 527 Twenty-first Street NW., 4 rooms and bath	35.00
1 apartment, 503 B Street SE., 3 rooms and bath	45.00
1 apartment, 1006 Pennsylvania Avenue SE., 4 rooms and bath	40.00
1 apartment, 452 New Jersey Avenue SE., 3 roms and bath	40.00
1 apartment, 124 D Street SE., 3 rooms and bath	30.00
1 apartment, 238½ Twelfth Street SE., 5 rooms and bath	47.50
1 apartment, 335 C Street SE., second floor, 6 rooms and bath	45.00
1 apartment, 200 Kentucky Avenue SE., second floor, 4 rooms and bath	40.00
1 apartment, 1373 L Street SE., 4 rooms and bath	22.50
1 apartment, 813 Q Street, second floor, 5 rooms and bath	50.00
1 apartment, 4799 Conduit Road, 4 rooms and bath	32.50
1 apartment, 1218 Ninth Street, 3 rooms and bath	40.00
1 apartment, 3333 N Street, 4 rooms and bath	45.00

1 apartment, 727 Twelfth Street, second floor, 2 rooms, kitchenette, and bath	$45.00
1 apartment, 212 C Street NW., 3 rooms, kitchenette, and bath	50.00
1 apartment, 725 Twelfth Street, 4 rooms, kitchenette, and bath	50.00
1 apartment, 302 S Street NE., 4 rooms, kitchenette, and bath	50.00
1 apartment, 720 Twelfth Street NW., 2 rooms, kitchenette, and bath	50.00
1 apartment, 1624 Nineteenth Street NW., 1 room and bath	50.00
1 apartment, 1624 Nineteenth Street, 1 room and bath	55.00
1 apartment, 713 Princeton Street NW., 2 rooms and bath	45.00
1 apartment, 713 Princeton Street NW. furnished), 2 rooms and bath	50.00
1 apartment, 301 C Street NW., 3 rooms, kitchenette, and bath	50.50
1 apartment, Ambassador, 1 room and bath	47.50
1 apartment, Florence Court, No. 401, 2 rooms, kitchenette, and bath	50.00
1 apartment, 1151 New Jersey Avenue NW., 5 rooms and bath	42.50
4 apartments, The Como, 15 Grant Place, 3 rooms and bath, each	50.00
1 apartment, 2416 Fourteenth Street, third floor, 3 rooms and bath	50.00
8 apartments, 1614 Seventeenth Street NW., 1 room, kitchenette, and bath, each	35.00
2 apartments, 1624 Nineteenth Street NW., 1 room and bath, each	50.00
1 apartment, 1106 Vermont Avenue, third floor, 1 room and bath	45.00
2 apartments, 607 O Street NW., 4 rooms and bath, each	35.00
1 apartment, 2004 Eye Street NW., 4 rooms and bath	35.00
1 apartment, 64 Randolph Street, 3 rooms and bath	45.00
1 apartment, 1526 Seventeenth Street, 1 room and bath	40.00
1 apartment, 1826 M Street NW., 5 rooms and porch and bath	50.00
3 apartments, 1725 Seventeenth Street, Rutland Courts, 1 room, kitchenette, and bath, each	50.00
1 apartment, Cavanaugh Courts (furnished), 1 room and bath	45.00
1 apartment, Rutland Courts (furnished), 1 room and bath	45.00
2 apartments, 149 Rhode Island Avenue NE., 3 rooms and bath, each	45.00
1 apartment, 306 Second Street SE., 4 rooms and bath	45.00
1 apartment, 306 Second Street SE., 2 rooms and bath	35.00
2 apartments, 1863 Newton Street NW., 3 rooms and bath, each	50.00
2 apartments, 615 E Street NW., 4 rooms and bath, each	45.00
1 apartment, 617 E Street NW., 4 rooms and bath	45.00
1 apartment, The Congressional, 2 rooms and bath	45.00
1 apartment, 1636 Kenyon Street NW., 2 rooms and bath	42.50
1 apartment, 747 Tenth Street SE., basement, 3 rooms and bath	21.50
1 apartment, 306 Seventh Street SE., 4 rooms and bath	45.00
1 apartment, 121 Sixteenth Street SE., 4 rooms and bath	42.50
1 apartment, 318 South Capitol Street, 3 rooms and semiprivate bath	18.00
1 apartment, 316 South Capitol Street, 3 rooms and semiprivate bath	15.00
1 apartment, 1218 B Street SE., 3 rooms and bath	30.00
1 apartment, 2013 Fourth Street NE., 4 rooms and semiprivate bath	37.50
15 apartments, 1321 M Street NW. (new), 1 room, kitchen, and bath, each	45.50
1 apartment, 3401 O Street NW., 3 rooms and bath	22.50
1 apartment, 1517 Wisconsin Avenue, 5 rooms and bath	40.00
2 apartments, 1521 Wisconsin Avenue, 2 rooms and bath, each	40.00
1 apartment, 1524 Wisconsin Avenue, 5 rooms and bath	50.00
1 apartment, 3215 O Street, 5 rooms and bath	35.00
1 apartment, 3401 Wisconsin Avenue, 5 rooms and bath	50.00
1 apartment, 3708 New Hampshire Avenue, 2 rooms and bath	50.00
1 apartment, 1907 Pennsylvania Avenue, 4 rooms and bath	50.00
1 apartment, 2707 Eleventh Street, 5 rooms and bath	50.00
1 apartment, 404 Thirteenth Street NW., 3 rooms and bath	50.00
1 apartment, 701 Park Road, 7 rooms and bath	35.00
1 apartment, 634 Pennsylvania Avenue SE., 3 rooms and bath	40.00
1 apartment, 634 Pennsylvania Avenue SE., 1 room and bath	20.00
1 apartment, 1807 H Street, 2 rooms and bath	45.00
1 apartment, 1417 U Street NW., 3 rooms and bath	50.00
1 apartment, 1415 U Street NW., 3 rooms and bath	50.00
1 apartment, 665 C Street SE., 4 rooms and bath	26.00
1 apartment, 2205 Champlain Street, 4 rooms and bath	40.00
1 apartment, 2201 Champlain Street, 4 rooms and bath	40.00
1 apartment, 829 Sixth Street SW., 4 rooms and bath	25.50
1 apartment, 631 Four-and-a-half Street SW., 6 rooms and bath	45.50
1 apartment, 239 Four-and-a-half Street SW., 2 rooms	12.00
1 apartment, 904 Fourth Street SE., 4 rooms and bath	27.50
1 apartment, 401 Sixth Street SW., 6 rooms and bath	45.00
1 apartment, 464 E Street SW., 5 rooms and bath	45.00
1 apartment, 312 Eleventh Street SW., 2 rooms and bath	45.00
1 apartment, 526 Eleventh Street SW., 3 rooms	12.00
1 apartment, 406 Seventh Street SW., 4 rooms	39.00
1 apartment, 215 Fifteenth Street NE., 4 rooms and bath	50.00
1 apartment, 509 E Street SW., 4 rooms, bath, and kitchen	30.00
1 apartment, 424 Seventh Street SW., 3 rooms and bath	40.00
1 apartment, 508 Eighth Street SW., 3 rooms	25.00
1 apartment, 306 Tenth Street SW., 3 rooms	35.00
1 apartment, 497 C Street SW., 5 rooms and bath	45.00
1 apartment, 213 Fifteenth NE., 4 rooms and bath	45.00
1 apartment, 419 Ninth SW., 4 rooms and bath	25.00
1 apartment, 241 Virginia Avenue SE., 4 rooms and bath	25.00
1 apartment, 624 Eye Street NW., 3 rooms and bath	50.00
1 apartment, southeast corner Twenty-seventh and P Street NW., 3 rooms and bath	50.00
1 apartment, southeast corner Twenty-seventh and P Street NW., 2 rooms and bath	40.00
1 apartment, 523 Eleventh NW., 4 rooms and bath	40.00
1 apartment, 3331 M Street NW., 4 rooms and bath	30.00
1 apartment, 2923½ M Street, 5 rooms and bath	45.00
1 apartment, 1301 C Street SW., 4 rooms and bath	32.50
1 apartment, 1544 B Street SE., 5 rooms and bath	15.00
1 apartment, 1909 Seventh NW., 3 rooms and bath	37.50
1 apartment, 2010 Fourteenth NW., 4 rooms and bath	50.00
1 apartment, 727 H Street SE., 5 rooms and bath	50.00
1 apartment, 2013 Fourteenth Street, 5 rooms and bath	50.00
1 apartment, 121 Sixth Street SE., 4 rooms and bath	42.50
1 apartment, 146 Central Avenue NE., 3 rooms and bath	20.00
1 apartment, 1517 Maryland Avenue NE., 2 rooms and bath	25.00
1 apartment, 1215 Morse Street NE., 3 rooms and bath	30.00
1 apartment, 3335 M Street, 4 rooms and bath	30.50
1 apartment, 716 H Street NE., 4 rooms and bath	37.50
1 apartment, 1301 H Street NE., 6 rooms and bath	$42.50
1 apartment, 819 Eye Street NE., 5 rooms and bath	42.50
1 apartment, 24 Eye Street NE., basement, 2 rooms and use of bath	25.00
1 apartment, 24 Eye Street NE., basement, 3 rooms and use of bath	30.00
1 apartment, 24 Eye Street NE., basement, 4 rooms and use of bath	35.00
1 apartment, 819½ Eye NE., 6 rooms and bath	45.00
1 apartment, 424 Fifteenth Street NE., 3 rooms and bath	45.00
3 apartments, 1113, 1115, 1117 Maryland NE., 3 rooms and bath, each	50.00
3 apartments, 1113, 1115, 1117 Maryland NE., 4 rooms and bath, each	50.00
1 apartment, 625 Third Street NE., 6 rooms and bath	50.00
1 apartment, 1012 H Street NE., 3 rooms and bath	55.00
1 apartment, 3510 Sixteenth NW., 1 room, kitchen, and bath	45.00

Mr. McKeever also sent a list of vacant houses reported by 50 real-estate owners renting for less than $50 a month. These are dwelling houses. This list consists of the smallest, four rooms and bath, and the largest on the list nine rooms and bath, renting for $50 or less. This is exclusive of colored property, I might say. The total is 43.

List of vacant houses reported by only 50 real estate brokers renting for less than $50 per month, exclusive of colored properties

119 Seaton Place NE., 6 rooms, no bath	$40.00
121 Seaton Place NE., 6 rooms, no bath	40.00
64 Virginia Avenue, Clarendon, 4 rooms and bath	50.00
3214 Hyatt Place, 6 rooms and bath	50.50
3216 Hyatt Place, 6 rooms and bath	50.50
243 Seventh Street SE., 4 rooms and bath	42.50
715 Twentieth Street NW., 7 rooms and bath	35.00
114 Fifth Street NE., 6 rooms and bath	40.00
1519 Second Street NW., 10 rooms and bath	50.50
642 G Street SE., 5 rooms and bath	40.00
1613 New Jersey Avenue, 7 rooms and bath	40.00
151 Carroll Avenue SE., 7 rooms and bath	35.00
225 Tenth Street SE., 6 rooms and bath	30.00
3214 E Street SE	30.00
902 Ninth Street SE., 6 rooms, no bath	18.50
530 Ninth Street NW., 6 rooms and bath	45.00
1123 C Street SE., 7 rooms and bath	50.50
819 Fourth Street, 6 rooms and bath	35.50
912½ Twenty-sixth Street, 5 rooms and bath	35.00
Twenty-second and Taylor Streets NE., 7 rooms	25.00
1127 First Street SE., 6 rooms and bath	45.00
536 First Street SE., 6 rooms and bath	45.00
409 Ninth Street NE., 6 rooms and bath	35.00
3812 Dent Place NW., 6 rooms and bath	50.00
3847 Emory Place, 6 rooms and bath	50.00
1624 Thirtieth Street, 6 rooms and bath	50.00
3206 Boulder Place, 8 rooms and bath	50.50
1214 Twenty-fifth Street NW., 7 rooms and bath	50.50
1123 C Street SE., 6 rooms and bath	30.00
3402 Georgia Avenue NW., 5 rooms and no bath	50.00
114 Atlantic Avenue, 6 rooms, no bath	30.00
1302 Eye Street NE., 7 rooms and bath	55.00
458 M Street SW., 8 rooms and bath	35.50
478 F Street SW., 8 rooms and bath	55.00
117 Sixth Street SW., 6 rooms and bath	50.00
407 O Street SW., 6 rooms and bath	25.00
807 Seventh Street SW., 6 rooms and bath	30.00
714 F Street SW., 9 rooms and bath	55.00
818 Seventh Street SW., 9 rooms and bath	40.00
822 Seventh Street SW., 6 rooms and bath	35.00
1010 Wisconsin Avenue, 8 rooms and bath	30.50
Wisconsin Avenue and Volta Place, 7 rooms and bath	45.50
645 H Street NE., 4 rooms and bath	45.00

Total, 43.

DISTRICT OF COLUMBIA

Data from the yearly reports of the building inspector

	Buildings	Repairs
June 30, 1900 to July—		
1901	$5,106,031	$884,467
1902	6,787,406	1,374,264
1903	9,796,069	1,737,333
1904	12,033,916	928,904
1905	11,134,515	1,274,670
1906	10,519,962	1,210,294
1907	11,375,689	1,273,433
1908	6,978,340	1,674,117
1909	13,268,868	1,457,916
1910	13,384,774	2,980,837
1911	11,840,809	2,857,225
1912	14,540,246	2,231,937
1913	8,256,912	1,957,841
1914	7,830,563	1,687,489
1915	6,948,871	1,626,186
1916	11,791,431	1,685,689
1917	13,477,938	2,103,662
1918	8,179,715	1,975,272
1919	8,386,720	2,121,571
1920	10,126,906	3,511,956
1921	14,881,517	4,118,409
1922	31,678,105	4,518,954
1923	52,071,502	
January to June, 1918	3,897,675	
July to December, 1918	1,488,750	
January to June, 1919	6,888,970	
July to December, 1919	10,911,490	
January to June, 1920	8,412,571	
July to December, 1920	7,024,392	
January to June, 1921	7,862,125	
July to December, 1921	12,178,253	
January to June, 1922	19,499,852	
July to December, 1922	24,454,291	
January to June, 1923	27,617,211	
July to December, 1923	17,140,999	

Amounts expended annually in the erection of buildings in the District of Columbia

[Data from the yearly reports of the building inspector]

1901	$5,106,031
1902	6,787,406
1903	9,796,069
1904	12,033,916
1905	11,134,515
1906	10,519,962
1907	11,375,689
1908	6,978,340
1909	13,268,868
1910	13,384,774
1911	11,840,809
1912	14,540,246
1913	8,256,912
1914	7,830,563
1915	6,948,871
1916	11,791,431
1917	13,477,938
1918	8,179,715
1919	8,386,720
1920	10,126,906
1921	14,881,517
1922	31,678,105
1923	52,071,502

STATEMENT OF MR. JOHN F. BOWIE, WASHINGTON, D. C.

Mr. BOWIE. I wish to state to the committee and to hold myself closely to facts, leaving out as far as possible matters of opinion and speculation.

No emergency exists at the present time, for the reason that there are ample accommodations, housing facilities to take care of the people of the District of Columbia.

Our firm is in the rental business to quite an extent, and we have for rent a total of 42 properties; that is, houses and apartments, the list of which I will read, giving the location, the size, and the price asked.

These are vacant apartments for rent:

"Apartment 5, 2301 Connecticut Avenue NW., 2 rooms, kitchenette, $60.

"Apartment, 301 C Street NW., 3 rooms and bath, $50.50.

"Apartment 22, 2106 N Street NW., 4 rooms and bath, $75.

"Apartment 22, 3126 Sixteenth Street NW., 4 rooms and bath, $65.

"Apartment 23, 3126 Sixteenth Street NW., 3 rooms and bath, $55.

"Apartment 31, 3126 Sixteenth Street NW., 3 rooms and bath, $70.

"Apartment 108, the Ambassador, Sixteenth and S Streets, 3 rooms, reception hall, bath, and porch, $75."

This is a fireproof building, containing 2 elevators, where telephone service is supplied to the tenants.

"Apartment 301, the Ambassador, 2 rooms, reception hall, and bath, $62.50.

"Apartment 803, the Ambassador, 1 room and bath, $47.50.

"Apartment 402, the Ambassador, 2 rooms, reception hall, and bath, $65.

"The Ricardo, apartment 1, 4 rooms, bath, and porch, $110."

These apartments are new and have never been occupied. The building was finished about three months ago.

"Apartment 6, the Ricardo, 5 rooms, bath, and porch, $135.

"Apartment 41, the Ricardo, 4 rooms, bath, and porch, $115.

The next building is a high-class building, with large apartment units, that is also new and never has been occupied:

"Apartment 1, 2500 Massachusetts Avenue NW., 10 rooms, 4 baths, and garage, $250.

"Apartment 4, 2500 Massachusetts Avenue NW., 10 rooms, 4 baths, and garage, $300.

"Apartment 212, 3800 Fourteenth Street NW., 6 rooms, 2 baths, inclosed porch, $125.

"Apartment 8, 1829 G Street NW., 5 rooms and bath, $50.

"Apartment 1, 3801 Macomb Street, 6 rooms, bath, and garage, $150.

"Apartment 2, 3801 Macomb Street, 4 rooms, bath, and porch, $90.

"Apartment 44, the Observatory, 5 rooms and bath, $65.

"Apartment 401, Florence Court W, 2 rooms, kitchen, and bath, $50.

"Apartment 3, 3801 Macomb Street NW., 4 rooms, bath, and garage $90."

The three apartments to follow are apartments to become available shortly:

"Apartment 4, the Myrene, 6 rooms, bath, and porch, $55.

"Apartment 83, 2301 Connecticut Avenue NW., 5 rooms, reception room, 2 baths, and porch, $150 (March 1, 1924).

"Apartment 303, 1302 Eighteenth Street NW., 7 rooms, 3 baths, $250 (April 1, 1924).'

The ones that I first read are all actually vacant now and all are vacant except these three.

Furnished apartments, now vacant:

"Apartment 41, bachelor, 2 rooms and bath, with service, $100.

"Apartment 315, 3800 Fourteenth Street, 3 rooms and bath, inclosed porch, $115.

"Apartment 315, 3800 Fourteenth Street, 3 rooms and bath, inclosed porch, $115.

"Apartment 316, 3800 Fourteenth Street, 3 rooms and bath, inclosed porch, $95.

"Apartment 7, 2500 Massachusetts Avenue, 10 rooms, 4 baths, and garage, $300.

"Three four-room houses located on Colonial Terrace, right across the bridge in Georgetown, from Rosslyn, that have never been occupied, are new, at $60 a piece.

"No. 1827 Riggs Street NW., 12 rooms and bath, $100."

Percentage of increase in cost of rents from December, 1914, to December, 1923, as compiled by United States Department of Labor, Bureau of Labor Statistics, for following cities

Baltimore, Md	71.9
Boston, Mass	47.0
Buffalo, N. Y	71.8
Chicago, Ill	95.4
Cleveland, Ohio	78.7
Detroit, Mich	107.5
Houston, Tex	36.4
Jacksonville, Fla	33.4
Los Angeles, Calif	100.9
Mobile, Ala	42.6
New York, N. Y	62.4
Norfolk, Va	67.0
Philadelphia, Pa	66.9
Portland, Me	31.7
Portland, Oreg	42.7
San Francisco, Calif	36.0
Savannah, Ga	47.5
Seattle, Wash	62.9
Washington, D. C	34.2

"The percentage of increase for 32 cities from 1913 to September, 1923, for housing is 66.5 per cent. Therefore, it would appear that rents in Washington, D. C., with an increase of only 34.2 per cent, are cheaper than of the 32 cities except Portland, Me., and Jacksonville, Fla., and that the increase is only one-half of the average for 32 cities."

* * * * * * *

JANUARY 19, 1924.

CHAIRMAN RENT COMMISSION,
Washington, D. C.

DEAR SIR: I have been asked to appear before your commission as a witness in case No. 8615, involving the rent of some apartment in the Altamont, 1901 Wyoming Avenue.

I have only recently taken an apartment in this building, am entirely satisfied with the situation and the services, and know nothing about the case above referred to. In view of the fact, therefore, that I would be of no value as a witness and am pressed with official duties I ask that I may be excused from appearance.

My own opinion is that anyone who can afford to occupy an apartment in the Altamont ought to be able to take care of himself without assistance.

Yours very respectfully, HENRY M. DAWES,
Comptroller of the Currency.

FORTY APARTMENTS VACANT FOR RENT

Mr. DEAN. Have you apartments vacant now?

Mr. BOWLING. Yes.

Mr. DEAN. Have you a list of your vacancies?

Mr. BOWLING. I think I have.

Mr. DEAN. Do you deal in all classes of real estate?

Mr. BOWLING. Yes, sir.

Mr. DEAN. How many vacant apartments have you for rent at present?

Mr. BOWLING. Forty.

Mr. DEAN. You have 40 apartments vacant? What do those apartments rent for?

Mr. BOWLING. They vary from $50 to $100—from $40 up to $100.

I quote the following from Mr. McKeever's testimony:

New apartments

Ready—	Location, owner, and description	Apartments
May 1	21 C Ctreet NW., F. S. Haskins. 1 room and bath, $40 to $60; 2 rooms, kitchen, and bath, $75.	112
July 1	1317-23 Connecticut Avenue. 2 and 3 rooms, $65.	8
Apr. 1	921-23 Ninetecnth Street NW., Howard Etchison. 2 and 3 rooms and bath and kitchen, $55 to $75 per month.	7
June 1	3016-30 Porter Street, M. R. & B. Warren. 3 rooms, kitchen, and bath, $65 per month; 4 rooms, kitchen, and bath, $75 per month.	72
Aug. 1	2630 Adams Mill Road, Howard Etchison. 3 and 4 rooms and kitchen and bath (prices not fixed).	36
July 1	2500 Second Street NE., J. B. Shapiro. 3 rooms, kitchen, and bath (price not fixed).	6

New apartments—Continued

Ready—	Location, owner, and description	Apartments
Oct. 1	Thirteenth and Buchanan Streets, J. B. Shapiro. 3, 4, and 5 rooms, kitchen, and bath (price not fixed).	8
May 1	1701 Lanier Place, M. R. & B. Warren. 3 rooms, kitchen, and bath, $65; 4 rooms, kitchen, and bath, $75.	30
Aug. 1	2901 Connecticut Avenue, Kennedy Bros. 1 to 6 rooms (price not fixed).	69
May 1	1818 Vernon Street NW., E. G. Walker. 2 rooms, kitchen, and bath; 3 rooms, kitchen, and bath, $55 to $67.50.	15
Jan. (1925)	Nineteenth and R Streets NW., Howard Etchison. 6 rooms, kitchen, and bath, $150.	24
June 1	1321 M Street, H. R. Howenstein. 1 room, kitchen, and bath; 2 rooms, kitchen, and bath, $50 to $75 per month.	45
May 1	2526 Q Street NW., Harry Kite. 2, four-room, d/a, kitchen and bath, and porches, $125; 12, 2-room, k, d/a, and bath, $50 per month; 3-room, as above, $72.50.	22
Aug. 1	2520 Q Street NW., Harry Kite. Arranged as above.	22
Oct. 1	2516 Q Street NW., Harry Kite. Arranged as above.	22
July 1	Sixth and A Streets SE., Harry Kite. 1 room, k, and d/a, and bath, $45 per month.	20
Oct. 1	No. — New Hampshire Avenue NW., Victor Cahill. 1 and 2 rooms, with kitchen and bath, to rent from $45 to $65 per month.	72
Oct. 1	No. — Twenty-first Street NW., Victor Cahill. 2 rooms, kitchen, and bath, $65 per month.	8
Apr. 1	1445 Oak Street NW., Charles Segar. 2 rooms, kitchenette, and bath, $62.50 to $65.	8

In considering rental values in the District of Columbia we must consider the increased value based upon the cost of reproduction, which is approximately 100 per cent, the far greater value of the ground on which they stand, as shown by the increased tax assessment, which is 40 per cent, in confirmation of which I submit the following statement of figures secured from the office of the assessor of the District of Columbia:

The increased cost of production, as shown by the monthly report of the United States Bureau of Labor Statistics—October, 1923—for the six-room brick house is, on all materials weighted as they go into the structure, 103 per cent; for frame houses, 107 per cent; this fluctuates to January, 1924—general increase—to 81 per cent. The increased cost of labor as shown by the Bureau of Labor Statistics in their monthly report for the years 1915–1923, bricklayers, 91 per cent; carpenters, 104 per cent; all trades combined, 107 per cent, which shows that the increased cost of labor carries on with the increased cost of materials relatively.

373 APARTMENTS FOR $50 OR LESS

Mr. SHEA. We have 721 apartments, 373 of which rent for $50 or less; 216 of which rent for $50 to $75, and 89 of which rent from $75 to $100, and 43 of which rent above $100. That is, 52 per cent rent for $50 or less; 30 per cent rent for between $50 and $75, while 12 per cent rent for between $75 and $100, and 5 per cent rent for above $100.

Mr. HAMMER. About how many apartments have you for rent?

Mr. SAUL. We have 494 apartments, and about 40 vacancies.

LABOR COST ABOUT 50 PER CENT

Mr. Harry Wardman has built in Washington over 4,000 residences and over 300 apartment houses. On page 380 of the hearings he testified that the labor cost went as high as 57 per cent of the cost of the building. And Mr. Wardman, whom Chairman Whaley of the Rent Commission said was absolutely reliable and honest, assured our committee positively that he would eject no tenants for refusing to pay higher rents should the Rent Commission be abolished.

MANY GOVERNMENT EMPLOYEES ARE LANDLORDS

Mr. Alfred B. Moore represented in his report that all Government employees are tenants. Many own their own homes. And many own rental property besides their homes. The residence adjoining me on the west is owned by an employee of the Government. The residence two doors removed from me on the east is owned by an employee of the Government. The residence just across the street in front of me is owned by an employee of the Government. The fine residence at 3114 Sixteenth Street is owned by an employee of the Government, working in the Interstate Commerce Commission offices, and he also owns the fine corner residence at 3100 Sixteenth Street, which is valued at $40,000 and has been vacant for a whole year because he would not rent it as long as there is a Rent Commission, and this Government employee also owns all the fine property between 3100 and 3114 Sixteenth Street.

OWNERSHIP OF PRIVATE PROPERTY SACRED RIGHT

No right under the Constitution is more sacred than that of owning private property. If that is taken away, we would be worse than a soviet. Let us not be Bolsheviks. We have kept their property away from lawful owners for over five years now. Let us turn it back. Let supply and demand function once more. And in my best judgment rent will automatically decrease 25 per cent within six months. There are several hundred vacant residences now held for sale only that will be rented.

ARE WE AS LEGISLATORS TO WREAK VENGEANCE?

We are all mad at real estate men, because we have been gouged and robbed. All of us have suffered. We are still suffering. Are we to vote through spite? Are we to be governed by a spirit of getting even? Are we to forget our guideposts and precedents? Are we to continue war emergencies forever? Are we to raise these salaries, increase the officers and employees, and continue this bureau as an additional expense to the people? I hope not. Let us be men and do our duty.

MEMORIAL SERVICES—THE LATE H. GARLAND DUPRÉ

Mr. LAZARO. Mr. Speaker, I ask unanimous consent that Sunday, May 11, 1924, at 11 o'clock a. m., be set aside for memorial addresses on the life, character, and public services of Hon. H. GARLAND DUPRÉ, late a Representative from the State of Louisiana.

The SPEAKER. Is there objection?

There was no objection.

EASTERN BAND OF CHEROKEE INDIANS

Mr. SNYDER. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 3852) to provide for the final disposition of the affairs of the Eastern Band of Cherokee Indians in North Carolina, with Senate amendments thereto, disagree to all of the Senate amendments, and ask for a conference.

The SPEAKER. The gentleman from New York asks unanimous consent to take from the Speaker's table the bill H. R. 3852, with Senate amendments thereto, disagree to the Senate amendments, and ask for a conference. Is there objection?

There was no objection.

The Chair appointed the following conferees: Mr. SNYDER, Mr. DALLINGER, and Mr. HASTINGS.

HEREDITY IN RELATION TO INSANITY

Mr. KINDRED. Mr. Speaker, I ask unanimous consent to extend in the RECORD some remarks I recently made upon the subject of heredity in relation to insanity and other diseases.

The SPEAKER. Is there objection?

Mr. BEGG. Do I understand that they are the gentleman's own remarks?

Mr. KINDRED. Yes.

The SPEAKER. Is there objection?

There was no objection.

Mr. KINDRED. Mr. Speaker, heredity in the usual sense means the transmission of physical, mental, and moral characteristics or diseases or a tendency to disease from a parent to a child.

In a sociological sense, heredity may be defined as the transmission of physical, mental, and moral characteristics from an ancestor to a descendant, occurring in the evolution of civilization by which peoples acquire aptitudes, tastes, and inclinations that prevent a relapse to barbarism or to physical, mental, and moral degeneracy.

Eugenics may be defined as the science of race improvement through the application of the laws of heredity. In the words of Sir Francis Galton, who laid the foundations of this science in the year 1865:

> Eugenics is the study of the agencies under social control that may improve or impair the racial qualities of future generations, physically, mentally, and morally. The aim of eugenics is obviously the production of a more healthy, more vigorous, more able humanity, and to bring as many influences as can be reasonably employed to cause the useful classes to contribute their full proportion, or even more than their full proportion, to the next generation, and to cause the useless, vicious, and constitutionally diseased and degenerate classes to contribute less than their proportion to the coming generations.

Both the study of eugenics and heredity must be predicated on some consideration of the origin and evolution of the human race. Whatever may have been the origin of the race, whether from ultimate protoplasm or otherwise, racial evolution physically, mentally, and morally during thousands of years, as related to the study of human heredity and eugenics, is of absorbing interest. We know how slowly but triumphantly this complex evolution has gone on, until man and his achievements,

notwithstanding human defects and limitations during the present and recent centuries, have become marvels of efficiency.

Eugenics may be spoken of medically as a prophylaxis against the continuation of race impairment. As all prophylactic or preventive medicine is necessarily correlated to the treatment of all racial ills, it follows that we as physicians and psychiatrists may well concern ourselves with the solution of every practical phase of this whole problem as it exists to-day, due to the neglect of eugenic rules, emphasizing particularly the problems here involved of a vast number of preventable mental and other diseases.

The laws of eugenics are based on the laws of heredity, but the application of these laws is different in eugenics. As underlying the laws of heredity we shall merely refer to some of the conclusions of "natural selection" and "survival of the fittest" as an essential factor in the origin of species and of other related laws of evolution as laid down by Charles Darwin, Alfred Russell Wallace, and others, remembering, as Darwin says, that this doctrine forms the only rational explanation of the laws of the gradual development of the innumerable forms of living things and their enormous powers of increase.

The Darwinian law of "the survival of the fittest" is greatly modified in the human race because mankind is exclusively possessed of intellect, which Alfred Russell Wallace, the contemporary of Darwin, calls "the influx of some portion of the spirit of the deity, a living soul, into man," which inspires him to conquer in the struggles of life and to help himself and others in dangers, prostrating illness, and in providing food, shelter, and comforts in circumstances where the lower animals could not thus provide. Our modern hospitals and other charitable, educational, protective, and humane institutions for conserving the life and welfare of all, particularly the helpless, and for the development of the higher mental and moral faculties, are a sublime illustration of how man's intellect and moral nature differentiates him from the lower animals.

To develop and extend these high human standards of Wallace it is necessary to remedy the unchecked, blind workings of the laws of "natural selection" by what might be called "artificial selection."

In connection with the laws mentioned and the parent sciences of eugenics, namely, biology and sociology, to which latter reference will be made later, and as fundamentally related to heredity and eugenics, let us refer briefly to some processes in reproduction and embryonic life and show how the splitting into doubles of the chromosomes in the process of fertilization of the female egg by the male sperm cell and the consequent mixing of the chromosomes of the parents result in a mixture of parental traits and characteristics, these chromosomes being termed the determiners of heredity, which carry to the offspring the parental qualities through the mechanism of the nuclear divisions of the sex cells. This mixture of the nuclear chromosomes, called amphimixis, probably has other important functions besides that mentioned, creating variations, particularly the larger variations, called mutations, which "natural selection" could take hold of; it also has the function of eliminating certain variations which are possessed by only one parent, constantly tending, therefore, to bring the individual progeny back to the type of the species.

Dr. C. B. Davenport, who has contributed largely to this subject in his several books on "eugenics and the laws and methods of heredity in man, the lower animals, and the vegetable world," lays down important generalizations, the first of which is—

> When a determiner of a characteristic is absent from the germ plasm of both parents, as proved by its absence from their bodies, it will be absent in all of their offspring, this being called nulliplex. Therefore, in order to predict the result of a particular mating, it is necessary first to know which similar unit characteristic both of the parents lack, which they both possess, and whether the characteristics are due to the presence of a determiner or to its absence. This can, in part, be determined experimentally or inferred from pedigrees.

It follows, according to Davenport, that we do not inherit only from our parents, grandparents, or collaterals, but that related individuals have some common characteristics because developed out of the same germ plasm with the same determiners. A child resembles his father because he and his father are developed from the same stuff. Both are "chips from the same old block." Some determiners carry characteristics that are positive and others characteristics that are negative, which latter depend upon the absence of a determiner. Thus the presence of brown eyes depends upon an enzyme that produces the sepia-colored pigment, while blue eyes depend upon the absence of such an enzyme. It is not always easy to say in advance whether a given characteristic is positive or negative—as, for instance, the long hair of Angora cats, of sheep, or guinea pigs is apparently not due to a factor added to conditions that would produce short hair, but rather to the absence of a determiner that stops the growth of hair in short-haired animals.

If both parents have the character as a single or simplex character, then the two determiners will meet in one force of the union of egg and sperm, the two simplex characters will both be absent in one-fourth of the progeny, and only one simplex character will occur in half of the progeny.

If one parent has the characteristic simplex and the other duplex, then half the offspring will have it simplex and the other duplex. The inheritance or noninheritance of some of these traits, like hair, the color of the eyes, etc., which so well illustrates the precision of the modern science of heredity, though originally considered to be immaterial to well-being, are important, if the observations of Maj. C. E. Woodruff, M. D., that pigmentation protects individuals from the injurious effects of the tropical sun's rays, are true.

The combinations or blending of these characteristics is so complex, and has such an infinite variety of results to the human being growing from the fertilization of the ovum (a fertilization that leads to but one out of thousands of possible combinations), there is a plain duty to all who may become parents *to keep themselves in the best possible condition physically, mentally, and morally.*

The germ plasm or germ cells are differentiated from the body or soma cells very early in the course of development and reside in the ovaries and testes, being in a measure out of relation to the body cells and leading a relatively independent existence, except for the fluids surrounding them and from which they derive nourishment. This gives rise to the theory of the continuity of the germ plasm, meaning that they, the *sex cells, carry on through all generations the purely hereditary factors, from individual to individual, practically uninfluenced by what may occur in the body at large,* so that, regardless of such accidents to the body, as, for example, the loss or mutilation of a limb or other similar changes, or the acquirement of some special skill in one direction, the germ cells are uninfluenced and carry on from generation to generation only what they originally contained.

The inference from this theory of the continuity of the germ plasm is that characters acquired by individuals in their lifetime, or characters possessed by the individual but not inherited by them, can not be transmitted. Weismann and his school insist that the inheritance by the offspring of the acquired characters of the parent is inconceivable. They admit that the germ plasm itself possesses all the marvelous potentialities which are necessary to account for the highest development of mankind. If Weismann is right in his contention that no acquired characters can be transmitted to posterity, then all of the achievements of our education, training, and civilization which have been going on during thousands of years, and which have been so rapid in their strides since the invention of the printing press, are completely lost, so far as they affect the innate character of posterity. While all authorities agree with Weismann that the so-called innate or inborn traits are sure to be transmitted, *many authorities believe that the effects through many generations of all these acquired characteristics so react on the body and mind and moral nature of human beings that they result in corresponding variations, which have commenced long ago, as a consequence of these forces.*

The Lamarckian theory insists that structures came into existence or went out of existence by the results of use or disuse and that the effects in either case were transmissible by inheritance.

The Neo-Darwinian theory, as stated by Dr. J. William White—who has contributed so much of value to this whole subject in the two volumes on Mental and Nervous Diseases, edited by him and Dr. Smith Ely Jelliffe—explains the effects of use and disuse only as bringing out or suppressing certain potentialities:

> The muscles of the blacksmith's arm grow larger by use, but they could not grow larger as a result of use if there were not resident within them the potentiality to increase in size, and it is this potentiality the Neo-Darwinians would say that is passed on in the germ plasm, and nothing more. Such changes as the unusual growth of the muscles of the blacksmith's arm, however, should not be lost sight of as evidencing the very material way in which the individual may be influenced.

One of the most absorbing features of the study of eugenics and heredity is to follow the inheritance by children of the infinite variety of mental, moral, as well as physical traits of

their ancestors. This brings us to that phase of the subject known as variations from type, which has already been referred to in the mixing by the chromosomes in the germ plasm.

Variations or modifications must be what is called determinate and not haphazard, as nothing in nature may be assumed as occurring except in accordance with natural law. The variations caused by the presence of poisons like alcohol or diseases like syphilis, or the stunting effects during embryonic life of the lack of proper food, constitute a variation from the type entirely different from those variations here referred to as being determined by the mixing of the parental chromosomes or determiners.

The determination of variations by environment, religious and moral training, and all the educational and civilizing influences during thousands of years form an interesting part of this study as to the exact effects of which the highest authorities have radically differed, as has been pointed out in the brief reference to the theories of Weismann, Lamarck, and the Neo-Darwinian theory.

The Mendelian theory of inheritance is based on the conclusions from experiments, with plants chiefly, that there are certain characteristics of the individual called unit characters which are represented by the determiners of the germ plasm, these being conceived to be definite material entities carrying special characters that can not be blended when used in the true sense of that term, but must be an inheritance dependent upon the segregation and grouping of the determiners. Mendel formulated to the satisfaction of his followers with mathematical precision the ways in which inheritance would manifest itself by determining all the possible combinations in which these determiners would group themselves. In studying the Mendelian law it is essential to remember that certain determiners are dominant and certain others are recessive; as, for example, if a flower contained a determiner for the red color and a determiner for the white color and the red determiner was dominant, the color would be red; but if the germ plasm contained a white determiner, which is recessive, this recessive determiner, white, would produce a certain number, at least, of white progeny. If a given determiner comes from one parent only, the heredity is simplex, while if it comes from both parents it is duplex. If there are no determiners on either side for a given quality, it is absent and the heredity is said to be nulliplex. Theoretical expectations and actual findings as related to the Mendelian theory do not, as is to be expected, always show an exact correspondence, but are an expression of probable chance.

One of the interesting conclusions of Mendel is that a purebred may be derived from a hybrid in one generation and that the hybrid of a purebred produced by a long series of hybrid individuals is just as pure as the purebred which has never had a hybrid ancestry. Another important consequence is that among the offspring of the same parents some individuals may be purebred and others hybrid. Community of parentage does not necessarily denote community of characteristics among the offspring.

Among the high American authorities who have made valuable contributions supporting the idea that the Mendelian proportions obtained in the inheritance of epilepsy and feeblemindedness are Weeks and Davenport in their notable work on Epilepsy and Feeblemindedness, and in which they present research and a large number of pedigrees well worthy of the serious attention of students of this subject.

It must be borne in mind that Mendel's interesting experiments were confined to the hereditary manifestations in flowers and plants and certain of the lower animals, and that while they are full of suggestiveness *they did not go far enough to justify us in saying that all of his conclusions were applicable to heredity in human beings.* Bateson, a leading English authority, says of the Mendelian theory that "we have the certainty that it extends far and that there are ample indications for supposing that we should probably be right in assuming that it covers most of the features, whether of the mind or of the body," but he doubts if the Mendelian proportion exists as applicable to the inheritance of mental and other diseases. F. W. Mott expresses substantially the same view.

In harmony with the Mendelian experiences are the following lines from Goethe:

Stature from father, and the mood
  Stern views of life compelling;
From mother I take the joyous heart
  And the love of story telling.

Great-grandsire's passion was the fair—
  What if I still reveal it?
Great-grandmam's pomp and gold and show,
  And in my bones I feel it.

Of all the various elements
  That make up this complexity,
What is there left when all is done
  To call originality?

Goethe's version of his own traits derived from inheritance suggests that the characters inherited from either parent exist in the offspring side by side like the single units in the ordinary mosaic or tiles in a tiled floor.

Galton's Law of Ancestral Inheritance has distinct reference to the mechanism of the final splitting up of the chromosomes and their union, not blending, with corresponding portions of the opposite sex, so that each germ cell contains chromosomes, some of maternal and some of paternal origin, each with its contained determiners, or the transmitters of each separate character of one parent or both parents.

This law, which is satisfactory as a whole, was formulated by Galton, not to apply to individuals, but to express the general result when applied to a large number of individuals in many generations; and it holds true only if we consider the chromosomes as being uniform in structure and the part going to form each nucleus being equal not only in quantity but quality. Galton showed that the older and more fixed a characteristic is, the more liable it is to the law of "filial regression." *Galton's law compared with Mendel's applies only to masses of people and not to individuals.* Galton said, "though one-half of a child may be derived from either parent yet the child may receive a heritage from a distant ancestor which neither of his parents possessed." Galton's statistical inquiry into good and bad tempers in a family tend to show that they exist in different members at haphazard; another tends to assimilate them in such a way that they shall be all good or all bad; a third set tends to divide families into contrasted portions.

The approximate formula of Galton and others for the inheritance of ancestral qualities, stated briefly, is that a man inherits his qualities—physical, mental, and moral—one-fourth from each of his parents; one-sixteenth from each of his grandparents, and one sixty-fourth from each of his great-grandparents; and it has been well said that the one remaining eighth in the final make-up of a man comes from—

An unknown and certainly negligible part of gain through the father's activity; an unknown and negligible part of gain through the mother's activity; an unknown part, fortunately also negligible, of loss through the idleness or nondevelopment of each; an unknown and doubtful part through prenatal influences received through the mother; the whole reduced by untoward influences, many or few arising from transmission or failure in early nutrition, and to be modified in every part by the fact that he is a man.

But these fractions indicate only potentialities. These make up the architect's plan on which the man is to be built. The plan admits of much room for deviation. Every wind that blows will change it a little. These elements themselves are of varied character. They do not belong together nor are they held in place, so far as we know, by any "ego" except that made by the cell alliance on which they depend. Some of these elements the experiences of life will tend to reduce or destroy. Some of them will be systematically fostered or checked by those who determine the man's early environment. The final details will be beyond prediction. The ego or self in the life of the man is the sum of his inheritance, bound together by the resultant of the consequences of the thoughts and deeds which have been performed by him and by others also. Thus each day in his life goes to form a link in the chain which binds his conscious processes together. The vanished yesterdays are the tyrants of to-morrow. The higher heredity is the heredity from ourselves.

Race improvement must rest on "selection," good or bad. In other words, a wise process of selection will determine the future welfare of the race. What are some of the fundamental factors in that selection or as it may be called artificial selection that would work practically for this desired result? Obviously, as far as possible, because of their direct or remote influences, environmental conditions should be made wholesome, and reference to this will be made following some suggestions to be made on improving the mating conditions of that large and educable class known as normal recessives—meaning, of course, persons who are themselves normal but having in their bodies the certainty of transmitting certain diseases or the tendency to these diseases to their offspring in the first or succeeding generations.

Preliminary to some suggestions in relation to the mating of recessives with taints tending toward insanity and the psychoneurotic states, it is necessary to note that there are six combinations of mates with reference to insanity that give rise to the theoretical expectation of different kinds of offspring, as follows, according to Dr. A. J. Rosanoff:

(1) Both parents being insane all the children will be insane.

(2) One parent being normal, but with an inherited insane taint from his ancestors, and the other parent being frankly insane, half the children will be normal and the other half will be insane; but even the normal children from such a mating will carry the taint of insanity in their germ plasm and will be capable of transmitting it to subsequent generations.

(3) One parent being normal and of pure normal ancestry and the other parent being insane, all the children will be normal, but will all carry the insane taint in their germ plasm.

(4) Both parents being normal, but each with the insane taint from the ancestors, one-fourth of the children will be normal and not capable of transmitting insanity to their progeny; one-half will be normal, but capable of transmitting the insane make-up; and the remaining one-fourth will be insane.

(5) Both parents being normal, one of pure normal stock and the other with the insane taint from his ancestors, all the children will be normal, but half of them will carry the taint of insanity in their germ plasm.

(6) Both parents being normal and of pure normal stock, all the children will be normal and entirely free from the taint of insanity.

Theoretical expectations and actual findings, as related to the Mendelian theory, do not, as is to be expected, always show an exact correspondence, but are an expression of possible chance. Doctor Rosanoff's tables in his article on "Heredity: In Relation to Insanity and Eugenics," relating to psychoneuropathic offspring and normal offspring, according to the Mendelian theory, are well worth studying and justify the conclusion, he thinks, that insanity is transmitted from generation to generation according to the Mendelian proportions.

These six possible combinations should always be borne in mind in our effort to solve the marriage and mating problem of not only those suffering with the frank symptoms of insanity but those normals whose sane and high sentiments make them more difficult to deal with in this regard.

Sensational or drastic methods or of legislation are not here proposed to prevent normal recessives from marrying or mating. The slogan to bring about a change of public sentiment as to the danger of unsuitable matings must be, "Educate! Educate!" We should have by every possible means of publicity and education the main truths brought out with regard to insanity, promulgated by physicians, by public speakers and lecturers, by ministers of the Gospel, by the school books on sexual hygiene and physiology, by means of popular articles in the lay and scientific publications, and by every other possible means.

Such a widespread campaign of education of the people as to the truths of heredity and eugenics, the means of race improvement, should be accompanied by plain warnings as to the danger of unfit matings and at the same time confidential, free medical advice to the poor should be provided by law, so that those interested would be stimulated and encouraged to discuss this question as widely as possible and to seek counsel and advice from physicians and others competent to counsel and advise them.

We have only to recall case after case in our own experiences and to look up some of the thousands of charts that are accessible, showing the lamentable consequences of such unsuitable matings, to be impressed that the final elimination of insanity and many other hereditary diseases by the education of this large class of normal recessives in this direction would prove on our part and on the part of the Nation worthy of our best efforts and at almost any expense. In working out the problem we must also have in mind how neuropathic and other tainted stock is developed by bad mating out of an original healthy stock, and how even epilepsy, insanity, and neuropathic and psychopathic states have been developed in even one or two generations, notwithstanding nature is always trying "to end or mend" by "natural selection"—sexual selection—aided by anticipation—stock that has become degenerate. As illustrating the elimination of even epilepsy running through several generations of tainted stock by suitable matings of the normal recessives of that stock, and also as illustrating the development of epilepsy, insanity, neuropathic, and psychopathic states in previously healthy stock by matings with tainted stock, the hereditary charts and family histories prepared by F. W. Mott, an eminent English authority, are illuminating and suggestive along the lines of the object of this paper, which is chiefly to present some practical unsensational suggestions that, if followed, would materially lessen the preventable race impairment that is now surely going on.

If we consider not only the economic loss, amounting annually to hundreds of millions of dollars, caused largely by inherited diseases, as represented in the dependent classes in the United States according to the United States census of 1910—approximately over 125,000 insane; over 100,000 feeble-minded; 100,000 deaf and dumb; 100,000 blind; 100,000 in prisons; 150,000 in reformatories and industrial institutions; 75,000 paupers and in almshouses; 500,000 defective in intellect, hearing, and vision; over 100,000 sick, deformed, and crippled; approximately 2,000,000 in hospitals, homes, etc., and approximately 1,000,000 drug addicts in the United States at the present time, or a total of approximately nearly 4,000,000 dependents, in all these classes—but also the loss to the race caused by the death of one-half million children yearly in the United States and 50,000,000 children yearly in the whole world and the further enormous economic and racial loss caused by the fact that of the children who survive in the United States approximately 30,000 to 40,000 are annually born through such bad hereditary conditions and with such serious physical or mental defects that they are a burden to themselves and to society, which is more and more contaminated by them, we as physicians, humanitarians, and economists realize the importance of doing our part to help in the solution of this difficult problem.

Can we define ours as a truly enlightened, highly civilized, and efficient Nation, in which 2 persons in about every 33 must be classed as inefficient, defective, or dependent?

In the words of Kellicott—

> the time is arriving—and I will add that in fact it has arrived—when we must begin to think of the future of our communities and nations and of our race rather than to contentedly read of and meditate upon the great achievements of our past, or to parade with self-satisfied air through the glass houses of Anglo-Saxon supremacy. Even were we unthreatened—and I would add that we are now actually threatened—and were we amply holding our own, the mere fact of the possibility of a natural increase of human capacity would make it a practical subject of the utmost importance. We may be sure that somewhere a nation will avail itself of such a possibility as the increase of inherent, native, latent, physical, mental, and moral inheritance, and will tend to become a strong and dominant people. Why should we not be that people?

Appreciating the well-accepted idea of the influence of environment and training, how shall we nurture, protect, and develop the approximate one-tenth of the human species—and investigation shows that one-tenth of the women of the world bear all the children—who are to become the parents of the coming race by environmental influences?

If the United States Government can, by wisely expending, as it does, hundreds of thousands of dollars annually to eliminate diseases of cattle, of swine, and the spirochete disease in the horse—comparable to syphilis in the human race—why could it not with more humanitarianism and wisdom spend greater amounts for the same and similar purposes to benefit human beings, whose physical, mental, and moral health must in the end be either the glory or downfall of the Republic? Parenthood with the race is everything that makes for either progress or impairment, and probably the more important element in parenthood is motherhood.

Are the Federal and State health agencies doing their full duty to eliminate disease, particularly those diseases which by impairing the health of the mother during and before the child-carrying period naturally impairs the health of the fœtus and the adult growing from the fœtus? Surely our economic and sociologic good sense should teach us that the first essential in well-ordered society is to see that the slums, sweatshops, bad factory and industrial conditions, poisoned foods, poisoned moral surroundings, vicious environment, and all that militates against the physical, mental, and moral health of the masses of the people, especially the pregnant and nursing women, as well as the children and younger people, should be intelligently and rigorously stamped out. It is inconceivable that there should be in this great Republic in this day and generation such an economic condition as would allow the mothers of the future race to dwell in squalor, filth, and generally bad and unhygienic surroundings and without sufficient food.

No generation, either of man or animals or plants, determines or provides the future of the race; a small percentage, as a rule, of any species reach maturity and only about one-tenth of those, as stated, give birth to the next generation. The world may owe much to some of its geniuses whose extraordinary mental abilities may have been, as pointed out by Lombrosa, the expression of epileptic equivalents, or the "degeneration of genius," without the force of which we may not have had the influences of some of our greatest reformers and personages like Mohammed, Joan of Arc, and others.

> A Kant or a Spencer dying childless may leave what we call immortal works, but unless they and their class become parents, or unless the average parents of each generation are rightly chosen or

selected, a new and inferior generation will arise to whom the greatest achievements of past generations are as nothing—"as pearls before swine."

The average wholesome people, after all, as Saleeby says, make history that is most worth while.

Some of the great laws—the "Law of averages" and the "Laws of evolution"—to which reference has been made, have enabled us to preserve what sanity and stability we have. But for the workings of these laws we would probably be overrun by the monkey geniuses and the mattoids of Lombrosa and other degenerates, as well as thousands of educated, overcultured inspired idiots and fools of all ages, all or most of whom are capable of propagating their species. Another law applicable is that nature seems to strive for mediocrity. As a seeming contradiction to this law there frequently arises from the happy mating of so-called common or mediocre folk some splendid children, like the illustrious Abraham Lincoln and many others of the world's notables, who sprang from average, rugged, hard-headed ancestors, who, like Lincoln's immediate ancestors, had a good lineage generations back and an immediate ancestry that was hardy and healthy in the sense that their transmitted characteristics were convergent or cumulative in the person of Lincoln. The same may be said of the famous John and John Quincy Adams, father and son. It is interesting to note in this connection on the authority of Reibmayr, that genius does not carry down the stock and that on the contrary it is a remarkable fact that the male line, where there are children, rarely extends beyond the third generation (see a list and table of the world's geniuses by Reibmayr). A striking comparison is here suggested between the Adams family of Massachusetts and the notorious Jukes family. The ancestor of the Jukes family, born in Orange County, N. Y., lived immorally to a great age and became blind, leaving numerous progeny, many illegitimate. The number of individuals of this family, through several generations, aggregated about 1,200, including mostly criminals, prostitutes, vagabonds, and paupers, and only a small proportion of honest workers.

The sociological side of eugenics was, as far as we know, first emphasized during early Greek civilization. As expressing this, Plato, stating clearly the essential idea of inheritance of individual qualities and the danger to the State of a large and increasing number of degenerates and defectives, called upon the legislators and sociologists to purify the State with the result that exists in our own day, namely, that the able-bodied and able-minded continued to be sacrificed to the god of war, while the less fit, the weak, the degenerates and defectives were left at home to become the fathers of future generations. Greece is to-day, and has been for many decades past, a most conspicuous warning of such a policy.

Several other nations to-day, as a result of the World War, illustrate, perhaps, in a less degree, the disastrous social effects of war.

The eugenics of the gigantic World War, involving, as it does, most of the great races of men, is racially, economically, and sociologically one of the largest questions connected with the war, or, rather, of its dreadful consequences. With the flower of the manhood of the belligerent nations engaged in destructive fighting at the front, the normal birth rate in even so fruitful a country as Germany has sharply declined, after the first year of the war, at least 30 per cent. This is true both because of the absence of so many fruitful younger men and because of the impaired physical condition resulting from the stress and privations of war of the men and women who remain at home.

It was observed in France commencing with the first generation after the conclusion of the Franco-German War that the average height of the men was 2 or more inches less than previous to the war, and this same effect—and other effects of physical stunting—of other great wars have been noted. It is easy to see the effects of children begotten under the conditions named, and under conditions of lowered vitality of the older men who stay at home. Fortunately the law of the continuity of the germ plasm applies in the cases of the thousands of legless and armless fathers, so that their children will not inherit such conditions.

Aside from vicious environmental conditions, we know that tainted heredity from all causes is responsible for the direct inheritance of, and the diathesis to, such mental and neuropathic diseases as the manic-depressive psychoses (insanities), dementia precox, epilepsy, imbecility, idiocy, feeble-mindedness, Huntington's chorea, Friedreich's disease (hereditary ataxis), Thompson's disease, familial tremors, muscular atrophies and dystrophy, multiple sclerosis, cerebral hemorrhage, arteriosclerosis, the neuropathic constitution, and so forth, as well as the diathesis to tuberculosis, diseases of the respiratory mucous membranes, syphilitic taints, heart diseases, eye defects, rheumatism, kidney diseases, skin diseases, and so forth, as well as cases of alcoholism that are apparently inherited and which must be included in this large class of inherited mental diseases, as must also a certain class of explosive persons who find it impossible to control their impulses and animal instincts.

Some able investigators and thinkers along these lines have concluded that while race impairment is appalling and preventable, the time has not yet arrived, in their opinion, to take genuine, practical steps to remedy the evil. The day and time in which we live is characterized by the stern disposition to meet emergencies and social evils as never before, and while I do not advocate too drastic or unconstitutional methods and laws to control the propagation of even the grossly unfit, such as confirmed, habitual criminals, rapists, certain defectives, degenerates, and feeble-minded, I am of the opinion that the worst of these classes, who can not be effectively and constantly segregated, should come within the laws enacted by the States of California, Iowa, Indiana, Connecticut, and other States requiring the sterilization of both men and women of these classes under conditions that safeguard their personal and constitutional rights. That these laws, drastic as they may seem, are not considered inhuman or cruel by those to whom they apply is evidenced by the fact that individuals not coming strictly within the provisions of these laws have, as is recorded in the State of Iowa, requested that they be sterilized by the operation in the male of vasectomy, or in the case of the female by the removal and tying off of a portion of the Fallopian tubes.

One of the most urgent reforms in the direction of segregation are better regulations by the local and State boards of health for following up those suffering with chronic alcoholism and also that large class—primary, secondary, and some of the tertiary—of cases of syphilis and other communicable venereal and other diseases; in the case of the syphilitic the observation and regulation should extend for at least a period of five years, after which period they may, in some cases, according to certain authorities, beget healthy children. This suggests every possible extension of the work of the American Association for Education in Sex Hygiene and the enactment by the United States Congress and the legislatures of the various States of laws like the measure now pending in the House of Representatives (known as the Gilbert bill) to control the spread of venereal and other hereditary diseases in the District of Columbia.

Recent laws enacted in the States of New York, Minnesota, and other States of the Union, designed to promote eugenic marriages, require that applicants for marriage licenses shall make a sworn affidavit that they are not suffering with communicable venereal diseases. While these laws may not deter the most thoughtless and vicious, they will undoubtedly prove beneficial by punishing violators in certain cases for perjury, and will thus also become educational.

These and other laws and marriage regulations, like those suggested by Dr. Adolf Meyer in his valuable contribution to eugenics and hereditary, The Right to Marry, in which he advocates the publishing in this country for three weeks of the marriage banns, as is widely done in most European countries, will in the end have a salutary effect, both by preventing some ill-considered matings and in a larger degree by calling public attention to this whole subject.

I would suggest that, supplementing the marriage laws and regulations already in force in some of the States, there be enacted in every State of the Union uniform laws providing for an impartial board and numerous clinics of competent, high-minded physicians and sociologists, to be appointed, as free from political consideration as possible, by the governor of each State, which board shall act upon every application for marriage licenses, with the power, if in their opinion it is necessary, to make a thorough physical and mental examination of every applicant for marriage license. The members of this official board should not in any case receive money or compensation from the applicants themselves, but should be paid a fixed, ample salary by the State, the same fee whether they grant or withhold licenses.

To deal with all of the cases of normal recessives wisely and humanely would constitute a difficult task of the board I have proposed, and to deal with even measurable success with this large and important class—in so many cases a useful and helpful factor in society—would solve one of the greatest sociologic, economic, and humanitarian problems of the age. Here there is the widest field for the exercise of humanitarianism, good sense, and profound sociologic and scientific medical training. The official acts of the board in the cases of most normal recessives should, of course, be in an advisory capacity to those who apply for guidance and advice with regard to mating. Tactful procedure and proper educational methods

with them would doubtless bring to them and to society at large astounding results in a few generations.

It is obvious that the membership of the proposed boards and clinics should be made up of several of the larger elements of society, namely, a physician practically trained in insanity, hereditary diseases, eugenics, criminology, and sociology; two or more members who should represent the dominant religious organizations of the respective States; one member representing the masses of people; broad-minded representatives of the best labor and agricultural organizations; a layman, who should be a broad student of sociology in the modern sense; and a legal member to safeguard the board in proceeding according to the strict forms of law and the constitutions of the respective States and the United States, all of which guarantee the protection of personal liberties of persons to be passed upon by the board. The board should carefully study and, as a whole board, decide the case of each person whose case shall under statute come before the board for vasectomy, ovariotomy, or segregation, or as grossly unfit to beget children. This board should be composed of the most highly trained, conscientious, and fearless citizens—men and women—and should be selected and continued in office without political considerations and hamperings. The board should also encourage by an organized campaign of education all who have communicable diseases or known taints or predisposition to insanity, neuropathic states, and other hereditary diseases to freely consult its members or their representatives with regard to the proposed matings of normal recessives and those having transmissible diseases and all others proposing marriage. The board's powers should be exercised with prudence and fairness, but they should, nevertheless, be fully exercised to prevent the marriage and propagation of the grossly unfit, already mentioned, as well as of numerous insane and neuropathic persons, epileptics, and others with certain hereditary diseases.

The details and machinery for the creation and workings of such a proposed board could be made an extension of the present powers of the existing boards of health—local, State, and Federal.

Since the individual is only the product of what is in his father and mother, plus the individual's environment, mating is a matter of vital importance, and it is in this matter that we as physicians can, by employing the laws of eugenics, be of the greatest service to posterity and to those who are wise enough to consult us regarding proper mating. By encouraging this practice the physician can, more than any other social agent, help to eliminate the inheritance of mental and other hereditary diseases and of bad traits and tendencies.

In spite of our best efforts in the direction of better mating we shall for a long time have defectives in our midst. Believing that many a just cause, scientific as well as moral, has been injured by wild, impractical claims of too enthusiastic but well-meaning reformers, who would in a moment reform everything in the world except themselves, I do not wish to be construed as approaching this subject in the spirit of claiming that eugenics has advanced as rapidly as some other sciences, or that it or any other of the many sciences have as yet been perfected into exact sciences, or that the beneficial principles of eugenics will or can be so rapidly carried out as to produce in a few decades a perfect race of supermen or superwomen, or physical or mental giants, but I do insist that if its great underlying laws are sufficiently understood and seriously considered and heeded that fair-minded men and women will admit that the present investigations and known truths regarding eugenics justify the full acceptance of certain generalities on this subject, which if properly applied would lead to the immense improvement of the race by better breeding and the consequent elimination of a vast number of preventable mental and other diseases and thus rid society and civilization of the unspeakable burden and menace.

THE COAST GUARD

Mr. LONGWORTH. Mr. Speaker, a mistake was made in the enrollment of the bill (H. R. 6815) to authorize a temporary increase in the Coast Guard for law enforcement, and in connection therewith I offer the following resolution, which I send to the desk.

The Clerk read as follows:

House Concurrent Resolution 20

Resolved by the House of Representatives (the Senate concurring), That the President of the United States be requested to return to the House of Representatives the bill H. R. 6815, entitled "An act to authorize a temporary increase in the Coast Guard for law enforcement."

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

Mr. GARRETT of Tennessee. Mr. Speaker, as I understand it, a mistake was made in the enrollment of the bill?

Mr. LONGWORTH. I am told that a mistake was made, and it was not discovered until it reached the White House.

Mr. GARRETT of Tennessee. When a bill is returned in this way, is it necessary for the House to again act upon it or is the enrollment corrected?

Mr. LONGWORTH. I am informed by the parliamentary clerk that under such circumstances another resolution is offered authorizing the Speaker and the Clerk to make the necessary corrections.

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

The resolution was agreed to.

HOUR OF MEETING MONDAY

Mr. LONGWORTH. Mr. Speaker, at the request of several gentlemen interested, I again ask unanimous consent that when the House adjourns to-night it adjourn to meet at 11 o'clock on Monday next.

The SPEAKER. Is there objection.

Mr. UNDERHILL. Mr. Speaker, this morning when that request was made I explained to the majority leader that I had a very important meeting on Monday and was also very much interested in the housing bill, which is to come up on that day, and as a member of the committee I have a right to be interested and also have the right to object.

The SPEAKER. Does the gentleman object?

Mr. UNDERHILL. I do.

Mr. LONGWORTH. I have no criticism to make of the gentleman's position. I merely renewed the request at the instance of several gentlemen.

The SPEAKER. Objection is heard.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Mr. SHERWOOD, for 10 days, on account of important business.

ADJOURNMENT

Mr. LONGWORTH. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 4 o'clock and 45 minutes p. m.) the House adjourned until Monday, April 14, 1924, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

433. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report on preliminary examination and survey of Alligator Creek and Four Mile Creek, S. C. (H. Doc. No. 237); to the Committee on Rivers and Harbors and ordered to be printed with illustration.

434. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, reports on preliminary examination and survey of intracoastal waterway from the Mississippi River at or near New Orleans, La., to Corpus Christi, Tex. (H. Doc. No. 238); to the Committee on Rivers and Harbors and ordered to be printed, with illustrations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. SPEAKS: Committee on Military Affairs. S. 2450. An act to amend section 2 of the legislative, executive, and judicial appropriation act, approved July 31, 1894; without amendment (Rept. No. 498). Referred to the Committee of the Whole House on the state of the Union.

Mr. HULL of Iowa: Committee on Military Affairs. H. R. 5097. A bill to equalize the pay of retired officers of the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service; without amendment (Rept. No. 499). Referred to the Committee of the Whole House on the state of the Union.

Mr. ZIHLMAN: Committee on Labor. H. R. 7698. A bill to regulate the transportation and importation of labor from one State to any point in another State where a labor disturbance or strike is then in progress; with amendments (Rept. No. 500). Referred to the House Calendar.

Mr. McLEOD: Committee on District of Columbia. H. R. 8305. A bill to regulate the use by vehicles of the streets, alleys, and public places within the District of Columbia; without amendment (Rept. No. 501). Referred to the House Calendar.

Mr. LANGLEY: Committee on Public Buildings and Grounds. H. R. 8110. A bill authorizing the Secretary of Commerce to

convey certain land to the city of Duluth, Minn.; without amendment (Rept. No. 506). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. FREDERICKS: Committee on Claims. S. 88. An act for the relief of Louis Leavitt; with an amendment (Rept. No. 502). Referred to the Committee of the Whole House.

Mr. THOMAS of Oklahoma: Committee on Claims. S. 105. An act for the relief of Arthur Frost; without amendment (Rept. No. 503). Referred to the Committee of the Whole House.

Mr. McREYNOLDS: Committee on Claims. S. 365. An act for the relief of Ellen B. Walker; with an amendment (Rept. No. 504). Referred to the Committee of the Whole House.

Mr. EDMONDS: Committee on Claims. H. R. 2005. A bill for the relief of William J. McGee; with an amendment (Rept. No. 505). Referred to the Committee of the Whole House.

CHANGE OF REFERENCE

Under clause 2 of Rule XXII, the Committee on Claims was discharged from the consideration of the joint resolution (H. J. Res. 241) to provide that suit No. 33731 in the Court of Claims of the United States is hereby referred back to the Court of Claims of the United States with direction to consider and adjudicate the matters therein involved in the light of the intention of Congress, and for other purposes, and the same was referred to the Committee on Indian Affairs.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. HOWARD of Nebraska: A bill (H. R. 8635) to amend Title I, schedule 3, paragraph 339, of the act of September 21, 1922, entitled "An act to provide revenue, to regulate commerce with foreign countries, to encourage the industries of the United States, and for other purposes"; to the Committee on Ways and Means.

By Mr. GRAHAM of Pennsylvania: A bill (H. R. 8636) to provide for the manufacture of material of war in Government plants; to the Committee on Military Affairs.

By Mr. LAMPERT: A bill (H. R. 8637) to protect trade-marks used in commerce, to authorize the registration of such trade-marks, and for other purposes; to the Committee on Patents.

By Mr. NEWTON of Minnesota: A bill (H. R. 8638) to amend section 28 of the merchant marine act of 1920; to the Committee on the Merchant Marine and Fisheries.

By Mr. CARTER: A bill (H. R. 8639) to amend an act entitled "An act to amend and modify the war risk insurance act"; to the Committee on World War Veterans' Legislation.

By Mr. CELLER: Joint resolution (H. J. Res. 242) providing that the United States pay her proportionate share of the expenses incurred at any official conference, interchange, or committee held under the auspices of the League of Nations, its councilor assembly to which conferences, committees, or interchange the United States shall send her duly accredited representatives, and for other purposes; to the Committee on Foreign Affairs.

By Mr. MacGREGOR: Concurrent resolution (H. Con. Res. 19) authorizing payment from the contingent fund of the House and Senate in equal proportions of a sum not to exceed $4,500 to be expended for the extermination of rats and mice and insects from the House Office Building, Capitol, and Senate Office Building; to the Committee on Accounts.

By Mr. TILSON: Resolution (H. Res. 257) amending paragraph 2 of Rule XXI of the Rules of the House of Representatives; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. COLE of Ohio: A bill (H. R. 8640) granting an increase of pension to Hattie Worman; to the Committee on Invalid Pensions.

By Mr. CULLEN: A bill (H. R. 8641) for the relief of S. J. Hansen; to the Committee on the Merchant Marine and Fisheries.

By Mr. FLEETWOOD: A bill (H. R. 8642) granting a pension to Erskine A. Cole, alias Charles Stickles; to the Committee on Invalid Pensions.

By Mr. GLATFELTER: A bill (H. R. 8643) granting an increase of pension to Anna M. Schlund; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8644) granting an increase of pension to Sallie C. Stahl; to the Committee on Invalid Pensions.

By Mr. WILLIAM E. HULL: A bill (H. R. 8645) granting an increase of pension to Samuel T. H. Williams; to the Committee on Invalid Pensions.

By Mr. LOZIER: A bill (H. R. 8646) granting a pension to Elizabeth M. Humphreys; to the Committee on Pensions.

Also, a bill (H. R. 8647) granting a pension to Margaret Editha Maupin; to the Committee on Pensions.

By Mr. MORRIS: A bill (H. R. 8648) granting an increase of pension to Nancy Jane Bush; to the Committee on Invalid Pensions.

By Mr. MURPHY: A bill (H. R. 8649) granting an increase of pension to Anna E. Ward; to the Committee on Invalid Pensions.

By Mr. SANDERS of New York: A bill (H. R. 8650) granting a pension to Mary E. Preston; to the Committee on Invalid Pensions.

By Mr. SINCLAIR: A bill (H. R. 8651) for the relief of Oscar P. Stewart; to the Committee on Claims.

By Mr. SMITH: A bill (H. R. 8652) granting a pension to Adaline Macaw; to the Committee on Invalid Pensions.

By Mr. SNYDER: A bill (H. R. 8653) granting a pension to Bryan T. Jennings; to the Committee on Pensions.

By Mr. TYDINGS: A bill (H. R. 8654) for the relief of Mrs. M. McCallom, Margaret G. Jackson, and Dorothy M. Murphy; to the Committee on Claims.

By Mr. WEAVER: A bill (H. R. 8655) for the relief of H. W. Cotter; to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

2377. By Mr. ANDREW: Petition of the Overseas Post, No. 240, Veterans of Foreign Wars, of Lynn, Mass., strongly recommending the enactment of early legislation correcting the defects of the national defense act of June 4, 1920, and returning it to its original purpose and intent; to the Committee on Military Affairs.

2378. By Mr. ARNOLD: Petition of Brotherhood of Locomotive Trainmen and Enginemen, at Palestine, Ill., asking for the passage of the Howell-Barkley bill; to the Committee on Interstate and Foreign Commerce.

2379. By Mr. BURTNESS: Petitions of various residents of first congressional district, North Dakota, protesting against legislation legalizing 2.75 per cent beer; to the Committee on the Judiciary.

2380. By Mr. CELLER: Petition of the Kossuth Ferencz Hungarian Literary, Sick, and Benevolent Association, etc.; to the Committee on Immigration and Naturalization.

2381. Also, petition of Kevin Barry Council, American Association for the Recognition of the Irish Republic; to the Committee on Foreign Affairs.

2382. By Mr. COOPER of Wisconsin: Petition of Miss Emma Grimshaw and others, of Racine, Wis., urging passage of the equal rights amendment; to the Committee on the Judiciary.

2383. By Mr. DOYLE: Petition of American citizens of Lithuanian birth from Chicago, protesting against the Johnson immigration bill; to the Committee on Immigration and Naturalization.

2384. By Mr. FROTHINGHAM: Petition of department executive committee, the American Legion, March 29, 1924, Department of Massachusetts, urging Congress to make adequate provisions for the care and treatment of disabled veterans; to the Committee on World War Veterans' Legislation.

2385. By Mr. GALLIVAN: Petition of W. J. McGaffie, president Thomas G. Plant Co., Boston, Mass., protesting against the passage of the shoe tag bill; to the Committee on Interstate and Foreign Commerce.

2386. Also, petition of the Sons of Veterans, of Massachusetts, indorsing the Bursum pension bill; to the Committee on Pensions.

2387. Also, petition of James F. Curley, 10 Cushing Terrace, Dorchester, Mass., and others, recommending favorable consideration of the Dill radio bill; to the Committee on the Merchant Marine and Fisheries.

2388. Also, petition of Thomas F. Byrnes, South Boston, Mass., and others, recommending favorable consideration of the Dill radio bill; to the Committee on the Merchant Marine and Fisheries.

2389. By Mr. GARBER: Petition of citizens of Enid, Okla., urging passage of the Dill amendment to the copyright law; to the Committee on Patents.

2390. By Mr. LINDSAY. Petition of Intertype Corporation, 50 Court Street, Brooklyn, N. Y., that full support be accorded appropriation for Bureau of Foreign and Domestic Commerce as approved by Budget Committee, considering that said department is productive Government enterprise and highly serviceable; to the Committee on Appropriations.

2391. Also, Petition of Central Trades and Labor Council, Greater New York and vicinity, that New York Representatives should favor a single bill that will insure a light wine and good wholesome beer as a beverage with alcoholic content of at least 2.75 volume; to the Committee on the Judiciary.

2392. Also (by request), petition of Morse & Burt Co., Flushing and Carlton Avenues, Brooklyn, N. Y., manufacturers of Cantilever shoe, that House bill 7449, deficiency appropriationss bill, be opposed upon grounds of injustice done shoe industry under present conditions of same, and the general unemployment situation; to the Committee on Appropriations.

2393. Also, petition of William S. Gray & Co., 752 Flushing Avenue, Brooklyn, N. Y., that section 28 of the merchant marine act of 1920, known as the Jones bill, be opposed, because if proposed change takes place it will work great hardship on an essential American industry, namely, the exporting of large quantities of wood chemicals; to the Committee on the Merchant Marine and Fisheries.

2394. Also, petition of Brotherhood of Locomotive Engineers, Albany, N. Y., New York State legislative board, that Howell-Barkley railway labor billl (S. 2646, H. R. 7358) be given favorable consideration; to the Committee on Interstate and Foreign Commerce.

2395. Also, petition of League of Foreign-Born Citizens, 342 Madison Avenue, New York, favoring scientific basis of regulation of immigration through creation of Federal board of immigration that would be comparable to the Interstate Commerce Commission, Federal Tariff Commission, and others; to the Committee on Immigration and Naturalization.

2396. By Mr. PATTERSON: Petition of 80 residents of the first congressional district of New Jersey, protesting against any change in the alcoholic content of beverages; to the Committee on the Judiciary.

2397. Also, petition of 25 residents of Camden, N. J., indorsing legislation proposing an amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

2398. Also, petition of Swedesboro Grange, No. 5, P. of H., of Swedesboro, N. J., opposing increase in parcel-post rates and advance of rates on fourth-class matter; to the Committee on the Post Office and Post Roads.

2399. By Mr. SNELL: Petition of George L. Starks & Co. and citizens of Saranac Lake, N. Y., favoring prompt consideration of radio bill; to the Committee on the Merchant Marine and Fisheries.

2400. By Mr. YOUNG: Memorials of W. C. T. U. of Edgeley, N. Dak.; W. C. T. U. of Bottineau, N. Dak.; W. C. T. U. of Cooperstown, N. Dak.; W. C. T. U. of Montpelier, N. Dak.; Presbyterian Church of Montpelier, N. Dak.; War Mothers of Rugby, N. Dak.; Woman's Club of Rolla, N. Dak.; Methodist Episcopal Church of Cooperstown, N. Dak.; and R. N. A. of Montpelier, N. Dak., against any modification of the Federal prohibition act; to the Committee on the Judiciary.

SENATE

MONDAY, *April 14, 1924*

(Legislative day of Thursday, April 10, 1924)

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

STATEMENT OF O. C. MERRILL ON WORLD POWER CONFERENCE

Mr. NORRIS. Mr. President, several days ago in discussing one of the provisions of an appropriation bill I made some reference to Mr. O. C. Merrill, secretary of the Federal Power Commission. I have this morning a letter from Mr. Merrill, in which he calls my attention to a misstatement of what he says are his views in a general way of water-power development. In justice to him I ask unanimous consent that his letter may be printed in the RECORD.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and the request is granted.

Mr. Merrill's letter is as follows:

FEDERAL POWER COMMISSION,
Washington, April 12, 1924.

Hon. GEORGE W. NORRIS,
United States Senate.

MY DEAR SENATOR NORRIS: My attention has been called to the statement you made on the floor of the Senate on Thursday with respect to the World Power Conference to be held this year in London, and would like to give you the following information about the conference:

The conference was initiated in England about a year and a half ago by Mr. D. N. Dunlop, who is the secretary of the British Electric and Allied Manufacturers Association—an organization which corresponds fairly closely to the National Electric Light Association in the United States. The date of the conference has been chosen for this year because the British Empire exhibition is to be held in London this year, and it is expected that people will be in attendance on that exhibition from all parts of the world.

The British committee which has organized the conference is composed in part of business men and in part of engineers and scientific men connected with such organizations as the British Institutions of Civil, Electrical, and Mechanical Engineers. Similar national committees have been organized in about 20 other countries to take part in the program and participate in the general activities of the conference.

On the specific approval of the Federal Power Commission, I undertook to assist in organizing a committee in the United States for participation in the conference, and was instrumental in calling a group of men together for forming an organization for this purpose. The people who took part in the organization of the American committee represented three groups: Representatives of certain national technical societies, whose names are contained in the inclosed pamphlet; representatives of certain national business organizations, and representatives from certain Government bureaus having work related to power development. In all instances the individuals were selected by the organization which they represented. The representatives of these three groups organized the committee, elected its officers and executive committee, and outlined the general scope of American participation.

We have since added to the general committee a group of individuals specially invited by the executive committee because of their prominence in the field of power development, administration, and finance. In this group of individuals so invited are the leading experts from our technical schools and universities, and our leading engineers employed in power development by both private and public agencies.

The executive committee has prepared a program of papers and has secured the men to prepare them. These papers cover a wide field, but are chiefly technical in their character. The inclosed program shows you the nature of the papers to be presented and the individuals who have been requested to prepare them. The only paper concerning which we have not yet received a final answer is the one on "Relation of Power Development to Labor," which we have been urging Mr. Samuel Gompers to prepare, and which I understand he will prepare if it is possible for him to do so.

It is not intended that any of the papers will be read at the conference, but that they will be printed and distributed prior to the conference, so that the sessions may be open to oral discussion. There will be papers presented on all angles of power development and policy from the various nations concerned, and the sessions of the conference will be an open forum where full opportunity will be given to discuss any feature of the subject from any standpoint desired.

I went in person to London last year, in company with the Canadian Government representative, to arrange details of participation in the conference with the representatives of the British, French, and Norwegian committees. Unless other matters interfere, I expect to attend the conference in July. My expenses in the past have not, and in the future will not, be charged against the appropriations of the Federal Power Commission. While I think, in view of the character and purpose of the conference, it would be an entirely proper use of the appropriations of the commission, nevertheless the amounts available to the commission are no more than is necessary to do its work in the United States.

Finally, may I be permitted to say that I believe you have misconstrued my attitude on public development of water-power resources? It is my personal belief that the paramount question is that of service and of cost, and that in supplying electric service to the people in this country we should adopt and pursue the method which gives promise of securing the best service at the lowest price to the user. Such information as I have been able to secure—and I believe I have sought it without prejudice—leads me to believe that, with certain outstanding exceptions, better service is being rendered at less cost by our publicly